

THE LAWS OF THE  
FEDERATED MALAY STATES  
1877-1920

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*July 21, 1920.*









THE LAWS OF THE  
FEDERATED MALAY STATES.

VOL. II.



# THE LAWS OF THE FEDERATED MALAY STATES 1877—1920

COMPILED BY  
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*FEDERAL LAWS*  
*UNREPEALED ON THE 31ST DECEMBER, 1920.*  
PART I.



## ENACTMENT NO. 2 OF 1910.

As amended by Fed. E. 7 of 1912.

An Enactment to make provision for the better Regulation of Theatres and Theatrical Performance within the Federated Malay States.

JOHN ANDERSON, [2nd May, 1910.  
*President of the Federal Council.* 10th June, 1910.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. This Enactment may be cited as “ The Theatres Enactment, Short title. 1910,” and shall come into force upon the publication thereof in the *Gazette*.

2. In this Enactment and in all rules, notifications, and orders Interpretation. thereunder the following terms shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them :

- (a) “ Theatrical performance ” includes stage play, circus, conjuring, dancing, cinematographic exhibition, wayang, mayong, mundu, joget, ronggeng, or other dramatic spectacular or operatic performance of any sort whatsoever ;
- (b) “ Theatre ” includes any theatre, room, booth, tent, enclosure, or other place covered or otherwise open to the public or any class of the public in which there is carried on any theatrical performance ;
- (c) “ Licensing Officer ” means the District Officer or such person as the Resident may, by notification in the *Gazette*, appoint to issue licenses under this Enactment within any specified district or area ;  
“ License ” means a license under this Enactment ; and  
“ Licensee ” means the person to whom a license is given ;
- (d) “ Grievous hurt ” shall have the meaning thereunto assigned in the Penal Code.

3. It shall not be lawful for any person to open a theatre or carry on a theatrical performance in a theatre unless he shall first have obtained a license from the Licensing Officer of the district in which such theatre is situated. License to be obtained.

3A. (i) *It shall be lawful for the Commissioner of Police to appoint in writing under his hand for the State or districts specified in such appointment a person or persons to whom shall be submitted for* Approval of films. Fed. E. 7 of 1912.

*approval or otherwise all films or other media used or intended to be used within such State or districts, as the case may be, for the purpose of giving a cinematographic exhibition or for producing optical effects and to fix the fees (if any) that may be charged by any such person or persons prior to granting such approval.*

*(ii) No licensing officer shall grant a license in respect of any such exhibition unless and until all films or other media, used or intended to be used at such exhibition, have been approved by the person or persons appointed for the State or district in respect of which he is the licensing officer.*

Particulars in  
license.

4. Upon every license there shall be stated the conditions upon which it is issued. Such conditions shall set forth amongst other things the period for which it is in force, the hours during which the theatre may be kept open, and in theatres not licensed by a Sanitary Board the maximum number of persons that may be admitted at any time into the theatre, the number of doors and exits to be provided, and the precautions to be observed in case of fire or any sudden panic.

Refusal of  
license.

5. The Licensing Officer may in his discretion refuse any application for a license, but shall if required furnish the applicant with the grounds of such refusal in writing.

Withdrawal of  
license.

6. The Licensing Officer may at any time withdraw any license if, in his opinion, the theatre licensed is a public nuisance, or is an annoyance to the persons living near or having their place of work or business near, or if any riot, lottery, unlawful gaming, or misbehaviour has taken place therein, or if any performance therein is of a dangerous, indecent, immoral, or improper nature, or is likely to endanger human life or to cause grievous hurt to any person, or if there shall have been any breach of the conditions of the license or any act in contravention of the Sanitary Board by-laws. The Licensing Officer shall if required furnish the licensee with the grounds of such withdrawal in writing. Notice of such withdrawal shall be served on the licensee if he can be found and shall also be affixed to the theatre.

Security.

7. The Licensing Officer may, if in any particular case he shall think it necessary, require any person, to whom a license is granted, to give security that the provisions of this Enactment and of the license granted shall be duly observed.

Appeal.

8. Any person aggrieved by any act or refusal of the Licensing Officer may appeal to the Resident, whose decision shall be final.

Penalties.

9. Every person who shall

- (i) open or assist in opening any theatre or carry on or assist in carrying on any theatrical performance in a theatre unless a license has been first obtained from the Licensing Officer ; or
- (ii) continue to carry on or assist in continuing to carry on any theatrical performance after the Licensing Officer has withdrawn the license for the same or after such license has expired ; or

- (iii) commit any breach of the conditions of the license ; or
- (iv) commit any breach of any rule under this Enactment ;

shall be liable upon conviction before a Magistrate to a fine not exceeding five hundred dollars ; provided that no person shall be deemed to have assisted within the meaning of this section by reason only of his having acted or performed in such theatre.

**10.** It shall be lawful for the Resident, with the approval of Rules. the Resident-General, from time to time to make such rules as may be necessary to carry out the purposes of this Enactment. Such rules shall be published in the *Gazette* and shall thereupon have the force of law. Without restricting in any way the generality of the powers conferred by this section, such rules may provide for

- (a) the amount of the fees to be charged in respect of licenses under this Enactment ;
- (b) the form of the license ;
- (c) the hours during which theatres may be kept open ;

and in theatres outside Sanitary Board limits may further provide for

- (d) the arrangement of doors, exits, and emergency exits ;
- (e) the precautions to be observed in cases of fire or any sudden panic ;
- (f) the accommodation to be provided for the audience and the actors ;
- (g) ventilation and sanitation.

**11.** Nothing in this Enactment contained shall in any way affect any power conferred upon Sanitary Boards by Section 4 of "The Sanitary Boards Enactment, 1907," to make by-laws for the control and supervision of theatres not inconsistent with the provisions of this Enactment. Saving powers  
of Sanitary  
Boards.

## ENACTMENT NO. 4 OF 1910.

An Enactment to repeal and re-enact with amendments  
the Law relating to Burials.

JOHN ANDERSON, [1st November, 1910.  
*President of the Federal Council.* 5th December, 1910.]

It is hereby enacted by the Rulers of the Federated Malay States  
in Council as follows :

Short title,  
commence-  
ment, and  
repeals.

1. (i) This Enactment may be cited as “ The Burials Enactment,  
1910,” and shall come into force upon the publication thereof in  
the *Gazette*.

(ii) Upon the coming into force of this Enactment the Enact-  
ments mentioned in the schedule shall be repealed to the extent  
specified in the fourth column thereof, provided that all licenses  
issued and all rules made under the Enactments hereby repealed  
shall in so far as they are not inconsistent with the provisions of  
this Enactment be deemed to have been issued or made under this  
Enactment.

### PART I.

#### BURIALS.

No place to be  
used for the  
interment or  
burning of any  
corpse except  
under a license  
from the  
Resident.

2. (i) No place shall, save as hereinafter in this section provided,  
be used for the interment or burning of any corpse except under  
a license from the Resident who is hereby empowered, at his dis-  
cretion, from time to time to grant or refuse such licenses and to  
impose such conditions as he may think fit.

Special permits  
in particular  
cases.

(ii) The Resident may for special reasons in any particular case  
by writing under his hand authorize the interment of the corpse  
of any person in such writing named in any building or place,  
whether licensed or not under the last preceding sub-section,  
under such conditions as he thinks necessary for the protection of  
the public health and upon payment of such fee not exceeding  
one hundred dollars as he may consider reasonable in each case.

Form of license  
and to whom  
licenses may  
be issued.

3. Every license for the use of a place as a burial or burning  
ground shall be in the form prescribed by rules made under this  
Enactment and shall be issued to the owner or person having  
the control or charge of the burial or burning ground in respect  
of which the same is granted, or if there be no registered owner  
or other person having the lawful control or charge of such burial  
or burning ground then to such person or body of persons as the  
Resident shall think fit : provided that the issue of the license to



any person or persons shall not be taken to convey or establish any title to land or to corroborate, qualify, or bar any right thereto.

4. A Sanitary Board may, with the approval of the Resident, provide within the area subject to its control fitting places to be used as burial or burning grounds, having due regard to the nationalities and religious usages of the several classes of the community, and may, with the like approval, make rules for the management of such burial and burning grounds not inconsistent with any rules made by the Resident, with the approval of the Resident-General, under this Enactment.

Sanitary Boards may provide burial grounds.

5. Every burial or burning ground provided by a Sanitary Board and every burial or burning ground in respect of which the Resident is satisfied on enquiry that its use is open without discrimination to all members of a particular nationality or of a particular religious community or to all persons of a particular nationality who are also members of a particular religious community shall be deemed a "public burial ground," and no fee shall be payable in respect of a license issued for such burial or burning ground, but the license issued shall state the classes to which the use of such burial ground is open.

Public burial grounds.

6. Every burial or burning ground other than a public burial or burning ground as defined in the last preceding section shall be deemed a "private" burial or burning ground, as the case may be, and there shall be paid in respect of every license for such burial ground or burning ground issued under this Enactment a fee of five hundred dollars.

Private burial grounds.

7. The Resident may at any time on being satisfied that any burial ground or burning ground cannot be further used without danger to the public health or comfort, or that the same being licensed is being used in contravention of the terms or conditions of the license, order the same to be closed or may revoke the license.

Power to close burial grounds and revoke licenses.

8. (i) Whoever, save as is provided in Section 2, buries or burns or causes, procures, or suffers to be buried or burned any corpse or the remains of any corpse, or prepares any place to be used for the interment of a corpse in or upon any place not being a licensed burial or burning ground, or in or upon any burial or burning ground which has been closed by order of the Resident under the last preceding section or the license for which has been revoked, shall be liable on conviction before a Magistrate of the First Class to a fine not exceeding five hundred dollars, and the Magistrate may by written order under his hand direct such person within a time to be fixed in such order

Penalty for unlawful burial.

Magistrate's order to remove corpse unlawfully buried.

(a) to remove the corpse or remains of the corpse in respect of which the offence has been committed from the place where it has been buried or burned to a licensed burial or burning ground;

(b) to remove any structure erected in contravention of the provisions of this section and to restore the ground to its original state.

Penalty for  
disobedience of  
Magistrate's  
order.

(ii) If any person refuses or neglects to obey any such order he shall for such default be liable on conviction to a penalty not exceeding one hundred dollars together with such further sum not exceeding twenty-five dollars a day for every day during which such default shall continue as the Magistrate shall order, and the Magistrate may proceed to carry the order into execution at the expense of such person and to hire and employ proper persons for that purpose and may recover all expenses incurred in carrying the order into execution in the manner provided by law for the levy of fines imposed by a Magistrate.

Exception.

9. Nothing in this Enactment contained shall prevent the burial or interment in or upon State land, or in or upon any land belonging to a private person with the consent of such person, of any corpse or the remains of a corpse found in an advanced state of decomposition under an order in writing for such burial or interment made by a Magistrate or by the Secretary to the Resident.

Power to make  
rules.

10. (i) The Resident may, with the approval of the Resident-General, from time to time make and when made vary or rescind rules for any of the following purposes—viz.,

- (a) to provide for the registration, inspection, and regulation of public and private burial grounds ;
- (b) to prescribe the depth of graves and places of interment and the space to be reserved between them ;
- (c) to prescribe the mode of making and keeping the register of burial and burning grounds ;
- (d) to prescribe the form in which the register of burials and burnings shall be kept at each licensed burial or burning ground, and the particulars with regard to each burial and burning which shall be entered in such register ;
- (e) to prescribe the form of licenses and the form and mode of publication or service of orders made under this Enactment ;
- (f) to prescribe the fees, if any, to be taken in any licensed public burial or burning ground ;
- (g) generally to carry out the provisions of this Enactment in relation to all matters connected with the management, upkeep, and good order of burial and burning grounds, due regard being had to the religious usages of the several classes of the community ;

and may attach to the breach of any such rules a penalty on conviction before a Magistrate not exceeding twenty-five dollars.

(ii) All such rules shall be published in the *Gazette* and shall thereupon have the force of law.

## PART II.

### EXHUMATIONS.

Exhumation  
unlawful except  
by order of  
Magistrate or  
under a license.

11. (i) Except as hereinbefore provided no person shall exhume any corpse or the remains of any corpse other than

- (a) by order of a Magistrate for the purpose of a judicial enquiry ;

(b) under a license granted by the Resident under his hand authorizing such exhumation.

(ii) The Resident may from time to time, with the approval of the Resident-General, make rules to prescribe the form and conditions of licenses to be issued under this section and the fees payable in respect of such licenses and generally for carrying into effect the provisions of this section, and all such rules shall be published in the *Gazette* and when so published shall have the force of law. Power to make rules.

(iii) Any person who shall exhume or cause to be exhumed any corpse or the remains of any corpse contrary to the provisions of this section or of any rules made under the last preceding sub-section, or who shall neglect to observe any precaution prescribed as a condition of the license to exhume or who shall fail to comply with any reasonable directions issued to him by a Health Officer for the purpose of preventing danger to the public health, shall be liable on conviction before a Magistrate to a fine not exceeding two hundred and fifty dollars. Penalty for unlawful exhumation.

### PART III.

#### GENERAL PROVISIONS.

**12.** No prosecution shall be instituted under Section 8 or Section 11 of this Enactment without the previous sanction in writing of the Resident or of an officer to whom the power of granting such sanction shall have been delegated by him. Sanction of Resident required to prosecute.

**13.** The Resident may delegate any of the powers conferred upon him by this Enactment, other than the power of granting licenses for the exhumation of corpses, to a Sanitary Board to be exercised within the area subject to its control under such conditions as he may think fit. Delegation of powers.

#### SCHEDULE.

##### ENACTMENTS REPEALED.

State.	No. of Enactment.	Short title.	Extent of repeal.
Perak	.. Order in Council No. 1 of 1896	The Burials Order in Council, 1896	The whole
Selangor	.. Regulation No. VII of 1895	The Burials Regulation, 1895	,
Negri Sembilan	Enactment No. 18 of 1904	The Burials Enactment, 1904	..
Pahang	.. Enactment No. 12 of 1904	The Burials Enactment, 1904	..

## ENACTMENT NO. 5 OF 1910.

An Enactment to repeal and re-enact with amendments the Law for the better securing of Loans made by the Government on the security of charged Land.

JOHN ANDERSON,  
*President of the Federal Council.*

[1st November, 1910.  
5th December, 1910.]

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and  
commence-  
ment.

1. This Enactment may be cited as “The Government Loans Security Enactment, 1910,” and shall come into force upon the publication thereof in the *Gazette*.

Repeal.

2. The Enactment mentioned in the schedule is hereby repealed.

Undertakings  
implied in a  
charge to  
Government.

3. (i) Whenever any land shall after the commencement of this Enactment be charged to secure the repayment of money to the Resident-General or to the Government of any of the Federated Malay States by a charge duly registered under the provisions of the law for the time being in force relating to the registration of charges on such land, there shall be implied in such charge, in the absence of an express stipulation therein to the contrary, the following undertakings on the part of the chargor :

- (a) that the chargor will faithfully and judiciously use the moneys secured by the charge for the purposes for which the same are by the terms of the charge expressed to be advanced to him, and will not use such moneys for any other purposes whatsoever ;
- (b) that the chargor will pay at the times and in the manner required by the terms of the charge all amounts accruing due thereunder, whether by way of interest or otherwise ;
- (c) that the chargor will duly comply with all conditions and obligations attaching to the title for the land charged, whether in respect of cultivation, building, payment of rent, or otherwise, and will keep all buildings on the said land in good repair ;
- (d) That the chargor will not transfer to any other person any portion of his interest in the land charged without the written consent of the Resident-General or of the Resident, as the case may be ;
- (e) that the chargor will furnish to the Resident-General or to the Resident, as the case may be, such accounts of expenditure and other information as may from time to time be required.

(ii) If the land charged be situated or become situated within the limits of a township or village, so declared under the provisions of any law in that behalf, there shall also be implied in such charge, in the absence of an express stipulation therein to the contrary, the following undertaking on the part of the chargor :

- (f) that the chargor will duly insure and keep insured, to the satisfaction of the chargee, all buildings upon the land charged, except such as may be exempted by agreement, and will produce to the chargee from time to time upon demand proper evidence of such insurance.

4. (i) Any such charge as is referred to in Section 3 may be for the securing of an amount paid in full by the lender to the borrower on the execution of the charge or payable by instalments, and may provide for the repayment by the borrower of the amount of the loan by instalments or otherwise.

Payment and  
repayment by  
instalments.

(ii) When the amount of any loan secured by such charge as aforesaid is payable by the lender to the borrower by instalments, no second or subsequent instalment accruing due from the lender to the borrower shall be payable unless—

- (a) the borrower shall have furnished to the Resident-General or to the Resident, as the case may be, such accounts of expenditure and other information as may from time to time be required ;
- (b) such person as the Resident-General or the Resident may from time to time depute to enquire into the matter shall have certified in writing that, in his opinion, the amounts already advanced have been faithfully and judiciously expended on the objects for which by the terms of the charge the loan was expressed to be made, and that further expenditure is likely to produce satisfactory results ;
- (c) the borrower shall have given to every person deputed to enquire under clause (b) all necessary information and all reasonable facilities for investigation.

(iii) When the amount of any loan secured by such charge as aforesaid is payable by the lender to the borrower by instalments falling due upon dates fixed by the mutual consent of the parties or specified in the charge, then, if the payment of any such instalment shall owing to any cause within the control of the borrower be delayed beyond the date upon which the same falls due, there shall be payable to the lender by way of interest on such instalment, if the same be eventually paid to the borrower, the same amount as would have been payable by way of interest thereon if the said instalment had been paid to the borrower on the date upon which the same fell due ; provided that this sub-section shall not apply if the borrower shall have given notice in writing to the lender not less than thirty days before the date on which such instalment falls due that he does not require payment thereof on such date.

5. For the purpose of such charges as are referred to in Section 3 the forms prescribed by the law applicable to the registration thereof may be modified so far as may be necessary to adapt them to the

Form of charge.

provisions of this Enactment, and any special condition or undertaking may be inserted therein.

Representatives  
and assigns.

6. All undertakings expressed or implied in any registered charge in favour of the Resident-General or the Government of a State shall bind the representatives and assigns of the chargor until the charge is satisfied.

Special provi-  
sions relating  
to proceedings  
in case of  
default.

7. Proceedings for the sale of any land in pursuance of any such charge as is referred to in Section 3 shall be in accordance with the requirements of the law relating to charges on such land, subject to the following special provisions :

(a) Default on the part of the chargor or any person claiming under him in complying with any undertaking expressed or implied in the charge shall be sufficient ground for the making of an order for the sale of the charged land ; provided that not less than fourteen days' notice in writing shall have been given to the chargor or person claiming under him to make good any such default which is capable of being made good and the same shall not have been made good.

(b) An order for the sale of the charged land may direct that the sale take place at any time not less than fourteen days from the date of the order.

Recovery by  
civil suit.

8. The amount of any moneys secured by a charge such as is referred to in Section 3 which cannot be recovered by sale of the land charged shall be recoverable from the chargor or his representatives by civil suit.

Procedure on  
fall in value of  
charged land.

9. (i) If at any time the market value of any land which is subject to a charge such as is referred to in Section 3 shall not exceed the amount of the moneys advanced under, secured by, and still outstanding under such charge, it shall be lawful for the chargee, in the absence of an express stipulation in the charge to the contrary, by notice in writing to require payment of the amount secured by the charge within thirty days from the service of the notice and thereafter, in default of payment, to apply for and obtain an order of sale of the land charged in the same way as if the chargor had made default in complying with an undertaking expressed or implied in the charge.

(ii) An affidavit of the District Officer in charge of the district where the land charged is situated or of an inspecting officer specially appointed by the Resident-General or by the Resident stating what is, in his opinion, the market value of the land charged shall, for the purposes of sub-section (i), be sufficient proof of such value unless the chargor shall require that the deponent be called as a witness ; in which case the chargor shall be at liberty to cross-examine the deponent and to call other witnesses as to the value of the land.

Procedure if  
land attached  
in execution of  
a decree.

10. (i) If any land which is subject to a charge such as is referred to in Section 3 be attached in execution of a decree, the attachment shall be subject to such charge.

(ii) Such attachment shall immediately be reported to the Resident-General or the Resident, as the case may be, who may direct

that application be made to the Court for an order that if the land is sold in pursuance of such attachment it shall be sold free of such charge and in such case the sum realized by such sale shall, subject to the claims of persons registered as prior chargees, be applied in the first place to the payment of all sums secured by the charge.

(iii) If failing such order the land is sold subject to the charge the Resident-General or the Resident, as the case may be, may require the purchaser to pay to him within fourteen days the amount of all moneys secured by the charge, and in default of compliance with such demand may proceed to recover the same by sale of the land in the manner provided in Section 7 and the amount of any such moneys which cannot be recovered by sale of the land shall be recoverable from the said purchaser or his representative by civil suit.

**11.** If any land which is subject to a charge such as is referred to in Section 3 shall be sold, under the provisions of any law relating to the collection of land revenue, to recover rent or other revenue due to the Ruler of the State, it shall be sold free of the charge and the purchaser shall be discharged of all liability in respect of the charge, but any sum realized by such sale in excess of the amount due as rent or other revenue may, subject to the claims of persons registered as prior chargees in respect of the same land, be applied in satisfaction of the amount due under the charge.

Procedure if land sold for the recovery of rent.

**12.** When land is intended to be charged to secure the repayment of moneys to the Government of a State, the charge may be expressed to be in favour of the Resident.

Charge in favour of the Resident.

**13.** A discharge of any charge expressed to be in favour of the Resident may be signed by the Secretary to the Resident.

Discharge.

**14.** In proceedings for the sale of any land in pursuance of a charge to secure the repayment of moneys to the Resident-General or to the Government of a State, any public officer or other person duly authorized in writing in that behalf by the Resident-General or by the Resident, as the case may be, may make and do all appearances, applications, and acts necessary to be made or done by a chargee in such proceedings.

Authority to act in proceedings for sale of charged land.

**15.** Nothing in this Enactment contained shall affect the relative priorities of persons claiming by virtue of different charges registered in respect of the same land.

Relative priorities of chargees unaffected.

#### SCHEDULE.

#### ENACTMENT REPEALED.

Reference No. of Enactment.

Short title.

No. 3 of 1910 (Federal)

.. The Government Loans Security Enactment, 1910

# ENACTMENT NO. 6 OF 1910.

As amended by Fed. E. 14 of 1915.

## An Enactment for the Prevention of Cruelty to Animals.

JOHN ANDERSON,  
*President of the Federal Council.*

[1st November, 1910.  
5th December, 1910.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title  
and commence-  
ment.

1. This Enactment may be cited as “The Cruelty to Animals Prevention Enactment, 1910,” and shall come into force upon the publication thereof in the *Gazette*.

Repeal.

2. Upon the commencement of this Enactment the Enactments mentioned in the schedule shall be repealed to the extent therein specified.

Definition.

3. In this Enactment unless a different intention appears from the context the word “animal” means any bird, beast, fish, reptile, or insect, whether wild or tame.

Penalty for  
cruelty to  
animals.

4. Every person who shall cruelly beat, ill-treat, torture, overdrive, or overload, or cause or procure to be beaten, ill-treated, tortured, overdriven, or overladen, any animal, and every person being in charge of any animal *in confinement* or in course of transport from one place to another who neglects to supply such animal with sufficient food or water, shall be guilty of an offence, and shall for every such offence be liable, on conviction before a Magistrate, to a fine not exceeding one hundred dollars or to imprisonment of either description for any period not exceeding three months.

Fed. E. 14 of  
1915.

Penalty for  
carrying  
animals in  
cruel manner.

5. Every person who shall carry or cause to be carried any animal in such a manner or position as to subject it to unnecessary pain or suffering shall be guilty of an offence, and shall for every such offence be liable, on conviction before a Magistrate, to a fine not exceeding one hundred dollars or to imprisonment of either description for any period not exceeding three months.

Penalty for  
employing  
animal unfit  
for labour.

6. Every person who shall employ or cause to be employed in any work or labour any animal which in consequence of any disease, infirmity, wound or sore, or otherwise is unfit to be so employed shall be guilty of an offence, and shall for every such offence be liable, on conviction before a Magistrate, to a fine not exceeding one hundred dollars or to imprisonment of either description for any period not exceeding three months.

Power of veteri-  
nary officers  
and police  
officers to  
arrest without  
warrant.

7. (i) Any Government Veterinary Surgeon, Veterinary Inspector, or other officer of Government appointed by the Resident of the State in that behalf and any police officer may arrest without warrant any person offending in his view against any of the provisions of the last three preceding sections, and any animal in respect of which and any conveyance or article with or by means of which such offence has been committed may be seized by such officer.

(ii) Any person so arrested shall be forthwith taken to a police station. Any animal, conveyance, or article so seized may be taken to a police station, or in the case of an animal to a pound or to an



infirmary established under the provisions of this Enactment, and may, subject to any order made in respect thereof by a Magistrate, be there detained until the accused has been tried.

8. Within the limits of any Sanitary Board area the powers given by the last preceding section to police officers and others may be exercised by any Sanitary Board officer appointed in that behalf by the Chairman of such Sanitary Board.

Power of Sanitary Board officers.

9. Any officer empowered to arrest without warrant for an offence committed against this Enactment may stop in any street or in any public place any animal in respect of which he may suspect that an offence has been committed under this Enactment and may there and then examine such animal.

Power to stop and examine animals in the streets.

10. (i) At any place in any State the Resident, and within any Sanitary Board area, the Sanitary Board, with the approval of the Resident of the State, may appoint a suitable place to be an infirmary for animals or for any kind of animal, and may appoint an officer or officers to manage such infirmary, and may make rules for the management thereof, and may prescribe the fees to be paid for the maintenance and treatment therein of any kind of animal and the fees to be paid for the destruction or burial of the carcass of any animal treated or detained therein.

Establishment of infirmaries and power to make rules and fix fees.

(ii) All such fees shall be recoverable in a summary manner by the officer in charge of the infirmary before a Magistrate from the owner, keeper, or bailee of the animal, or if the animal is one in respect of which an offence has been committed and has been sent to the infirmary by order of a Magistrate from any person convicted of the offence.

Recovery of fees.

11. (i) When any person has been convicted by a Magistrate of an offence against any of the preceding sections of this Enactment the Magistrate may order—

Orders by a Magistrate when an offence has been committed.

(a) that the animal in respect of which the offence was committed be taken to an infirmary and there detained for any period stated in such order or until released by further order of a Magistrate or until a Government Veterinary Surgeon has certified in writing that it may properly be released ; or

(b) if there is no infirmary to which the animal can conveniently be taken may order that the animal be not used during such period as may be stated in such order or until permission to use it has been given by a Magistrate or a Government Veterinary Surgeon ; or

(c) may, if satisfied that the animal is incurably diseased or injured, order that such animal be destroyed forthwith by or under the direction of a police officer or Government veterinary officer, and that the cost of burying or otherwise disposing of the carcass be borne by the person convicted.

(ii) Any person acting in contravention of any order under this section shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred dollars or to imprisonment of either description for any period not exceeding three months.

Penalty.

Liability for cost of maintenance and treatment of an animal in an infirmary.

(iii) If any animal has been taken to an infirmary under an order made under this section any person who has been convicted of an offence in respect of such animal shall be liable to pay the prescribed fees for its maintenance and treatment for so long as it shall remain therein; provided that if the owner of such animal shall request in writing the officer in charge of the infirmary to destroy such animal and shall pay to such officer any fee that may be prescribed for the destruction or burial of such kind of animal, such officer shall forthwith cause the animal to be destroyed, and no fees shall be payable in respect of the maintenance or treatment of such animal for any time subsequent to such request and payment.

Power of Magistrates, Medical Officers, and Veterinary Surgeons to order destruction of animals.

12. (i) A Magistrate, Government Medical Officer, or Government Veterinary Surgeon who has satisfied himself by personal inspection that an animal is diseased or injured, and that the disease or injury from which the animal is suffering is incurable, may by order in writing direct that such animal be destroyed, and such order may forthwith be carried out by or under the direction of such officer or of any police officer; provided that if the animal so diseased or injured be in any house, stable, shed, or enclosure proper for such animal and not in a public thoroughfare or other public place no order shall be made until the owner of the animal (if known) or person in charge thereof (if any) has been duly warned of the state of the animal.

Recovery of expenses of removal and burial of animals destroyed.

(ii) If any animal shall be destroyed in pursuance of an order made under this section the expense of the removal and burial of the carcass of such animal shall be paid by the owner or person in charge thereof, and the amount thereof may be recovered from such owner or person in charge in a summary manner before a Magistrate.

No compensation for destruction of an animal incurably injured or diseased or destroyed at request of possessed owners.

13. No compensation shall in any case be payable to any person in respect of the destruction of any animal in pursuance of an order made under Section 11 or Section 12 by a Magistrate, Medical Officer, or Government Veterinary Surgeon or in compliance with a request in writing addressed to an officer in charge of an infirmary as provided in Section 11 by any person professing to be the owner of such animal; provided in the last case that the officer in charge of the infirmary in good faith believed that the person making the request was in fact the owner.

Award to informer.

14. The Court by which any fine is imposed by virtue of this Enactment may award any portion not being more than half thereof to the informer.

#### SCHEDULE.

#### ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak	.. 9 of 1904	The Cruelty to Animals Prevention Enactment, 1904	The whole
Selangor	.. 10 of 1904	.. ..	..
Negri Sembilan	.. 9 of 1904	.. ..	..
Pahang	.. 6 of 1904	.. ..	..

## ENACTMENT NO. 8 OF 1910.

An Enactment to provide for the taking of a Census from time to time.

JOHN ANDERSON, [1st November, 1910.  
President of the Federal Council. 5th December, 1910.]

WHEREAS it is expedient to provide for the taking of a census from time to time and at convenient times :

Preamble.

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as “ The Census Enactment, 1910,” and shall come into force upon the publication thereof in the *Gazette*.

Short title, commencement, and repeal.

(ii) Upon the coming into force of this Enactment the Enactments mentioned in the schedule hereunto annexed shall be repealed to the extent specified in the fourth column thereof ; provided that any person appointed under the Enactments hereby repealed, and holding office at the commencement of this Enactment, shall be deemed to have been duly appointed under this Enactment.

2. (i) It shall be lawful for the Resident-General to appoint from time to time, by notification in the *Gazette*, that a census be taken throughout the Federated Malay States at such time as shall be specified in such notification.

Resident-General may appoint taking of census.

(ii) It shall be lawful for the Resident in each State to appoint from time to time, by notification in the *Gazette*, that a census be taken in such State at such time as shall be specified in such notification.

Resident may appoint taking of census for each State.

3. (i) The Resident-General may, by notification in the *Gazette*, appoint an officer to be called the “ Superintendent of Census, Federated Malay States,” to supervise the taking of a census, and at any other time appoint some other in his place or appoint any person to act temporarily for such Superintendent.

Resident-General may appoint Superintendent of Census.

(ii) In each State the Resident may, by notification in the *Gazette*, appoint any person to be the deputy to the Superintendent of Census in and for such State.

Resident may appoint Deputy Superintendent.

4. (i) The Resident-General may from time to time make rules—

Resident-General may make rules.

(a) to prescribe the duties of census officers ;

(b) to prescribe the particulars regarding which, the persons from whom, and the mode in which, information shall be obtained for the purposes of the census ;

(c) to prescribe the form of schedule to be prepared by the Superintendent of Census for the purpose of being filled in with the information to be obtained ;

(d) to prescribe the form of requisition to be addressed to employers of labour under Section 13 ; and

(e) generally to give effect to the provisions of this Enactment.

(ii) Such rules shall be published in the *Gazette*, and shall when so published, until revoked by the like authority, have the force of law.

District Officer and Chairman of Sanitary Board to be Assistant Superintendents.

5. The District Officers shall be the Assistant Superintendents of Census for their respective districts outside the limits of Sanitary Board areas and the Chairman of every Sanitary Board shall be the Assistant Superintendent of Census for all areas subject to the control of such Sanitary Board ; provided that the Resident of each State may appoint any other person to be the Assistant Superintendent for any specified area in such State.

Appointment of supervisors and enumerators.

6. An Assistant Superintendent of Census may by writing under his hand appoint such supervisors, enumerators, and other officers as he may consider necessary to supervise or take or aid in the taking of the census within any specified area, and may at any time revoke such appointments.

Who are census officers.

7. Every person appointed under Section 3, or Section 5, or Section 6 of this Enactment and every Assistant Superintendent of Census shall be a census officer within the meaning of this Enactment, and shall be deemed a public servant within the meaning of the Penal Code.

Occupier to allow access and permit affixing of numbers.

8. Every person occupying any land, house, enclosure, vessel, or other place shall allow any census officer such access thereto as, having regard to the customs of the country, may reasonably be considered necessary for the purposes of the census, and shall allow him to paint, mark, or affix on or to the property in the occupation of such person, such letters, marks, or numbers as the Superintendent of Census may deem necessary for the purposes of the census.

Questions by census officers.

9. Every census officer may ask all such questions of all persons within the limits of the area for which he is appointed as may be necessary to obtain the information required for the purposes of the census, and every person of whom any such question is asked shall be bound to answer such question to the best of his knowledge and belief.

Schedule to be left at dwelling houses and filled in by occupier.

10. (i) Any census officer may leave or cause to be left a schedule in the prescribed form at any dwelling-house within the area for which he is appointed to be filled in by the occupier of such dwelling-house or of any specified part of such dwelling-house.

(ii) When any such schedule has been so left, the occupier of the house or part of a house to which it relates shall fill it in or cause it to be filled in, to the best of his knowledge and belief, in respect of the inmates of such house or part of a house, as the case may be, at the time of the taking of the census, and shall if so required sign his name to such schedule, and shall on demand deliver the schedule

so filled in to an enumerator or supervisor for the area within which the house is situated or to such other person as the Assistant Superintendent of Census for the district or other area may direct.

11. (i) An Assistant Superintendent of Census may deliver or cause to be delivered to—

Schedule to be delivered to and filled in by keeper of prison, etc.

(a) every person in charge of a lunatic asylum, hospital, work-house, prison, police station, reformatory, lock-up, or of any public, charitable, religious, or educational institution ; or to

(b) every keeper, secretary, or manager of an hotel, boarding-house, lodging-house, or club,

a schedule in the prescribed form to be filled in in respect of the persons who at the time of the taking of the census are in or upon such premises.

(ii) The person to whom the schedule is so delivered shall fill in or cause the same to be filled in, to the best of his knowledge and belief, so far as regards the inmates of such lunatic asylum, hospital, workhouse, prison, police station, reformatory, lock-up, or public, charitable, religious, or educational institution, or such hotel, boarding-house, lodging-house, or club at the time aforesaid, and shall sign his name thereto, and when so required shall deliver the schedule so filled in and signed to an enumerator or supervisor appointed for the area within which such building is situated, or to such other person as the Assistant Superintendent may direct.

12. The Superintendent of Census shall obtain by such ways and means as shall appear to him best adapted for the purpose the information required by this Enactment or the rules made thereunder with respect to—

Enumeration of military and naval forces, travellers, etc.

(a) any military force or any body of men belonging to a vessel of war ; and

(b) all persons who during the time appointed for the taking of the census may be travelling, or on shipboard, or for any other reason not abiding in any house, of which account is to be taken by the census officers as aforesaid,

and shall include such information in the abstracts to be made by him as hereinafter provided.

13. (i) Every employer of ten or more labourers who reside upon any agricultural estate, or mining property, or in any factory, or workshop shall, upon receipt of a written requisition in the prescribed form signed by an Assistant Superintendent of Census be bound to act as enumerator in respect of all persons employed or residing upon or in such estate, mining property, factory, or workshop.

Employers of labour may be required to be enumerators.

(ii) Every such employer shall cause to be filled in in respect of such labourers and such other persons as aforesaid the schedules delivered to him for such purpose, and shall deliver such schedules filled in to the best of his knowledge and belief to the supervisor appointed for the area within which the premises are situated, or to such other person as the Assistant Superintendent may direct.

Government servants to assist in taking census.

**14.** All Government servants shall be bound to assist in the work of taking the census when so required by the Superintendent of Census or by an Assistant Superintendent.

Schedules and returns to be delivered by enumerator to supervisor and forwarded to Superintendent.

**15.** Every enumerator shall deliver to the supervisor of the area for which he is appointed all schedules and all such returns as may be required by the Superintendent of Census on a day to be appointed for that purpose by the Assistant Superintendent for the district or other area and it shall be the duty of such supervisor to verify them and to transmit them forthwith to the Assistant Superintendent who shall upon the receipt of such schedules and returns forthwith forward the same to the Superintendent of Census.

Abstract to be made and published.

**16.** The Superintendent of Census shall upon receipt of the schedules and returns cause an abstract to be made of the same for each State and an abstract for the whole of the Federated Malay States, and such abstracts shall be printed and published for general information.

Offences by census officers.

**17.** Any census officer and any person employed by the Superintendent of Census in the preparation of the abstracts to be made by him under the last preceding section who—

- (a) without sufficient cause, refuses or neglects to comply with any instructions or requisitions addressed to him by the Superintendent of Census or an Assistant Superintendent, or fails to use reasonable diligence in performing any duty imposed on him ; or
- (b) wilfully puts an offensive or improper question, or knowingly makes any false return ; or
- (c) asks, receives, or takes from any person other than an authorized officer of Government any payment or reward ; or
- (d) wilfully discloses any information which has come to his knowledge in the course of his duty as such.

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred dollars or to imprisonment of either description for a term not exceeding one month.

Penalties.

**18.** Any person who—

- (a) refuses to answer, to the best of his knowledge and belief, any question asked of him by a census officer which he is legally bound so to answer ; or
- (b) makes, signs, delivers, or causes to be made, signed, or delivered any wilfully false or incorrect schedule, statement, or return ; or
- (c) refuses to allow a census officer such reasonable access to any house, land, enclosure, vessel, or other place as he is required by this Enactment to allow ; or
- (d) removes, obliterates, alters, or injures before the expiry of one month from the time of taking the census, any letters, marks, or numbers which have been painted, marked, or affixed for the purposes of the census ; or

(e) refuses or neglects to comply with any provision of this Enactment or of any rule made thereunder,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred dollars or to imprisonment of either description for a term not exceeding one month.

**19.** No prosecution shall be instituted under this Enactment without the previous sanction, in writing, of the Resident of the State in which it is to be instituted.

No prosecution without sanction of Resident.

**20.** No entry in any book, register, or record made by a census officer or by any other person in the discharge of his duty under this Enactment shall be admissible as evidence in any civil or criminal proceeding, save and except a prosecution instituted under this Enactment in respect of such entry against the person who made, signed, or delivered the same, or caused the same to be made, signed, or delivered.

Census records not admissible in evidence.

**21.** (i) No action shall be brought against any person for anything done, or *bonâ fide* intended to be done, in the exercise or supposed exercise of any powers given or in the performance of any duty imposed on him by this Enactment—

Provision for protection of officers.

(a) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof ;

(b) after the expiration of three months from the date of accrual of cause of action ;

(c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if at the trial the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court, before which the action is tried, shall certify its approbation of such action.

#### SCHEDULE.

#### ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak . . . .	1 of 1891	Census Order in Council, 1891	The whole
Selangor . . .	14 of 1900	Census Enactment, 1900	, ,
Negri Sembilan	15 of 1900	Census Enactment, 1900	, ,
Pahang . . . .	5 of 1901	Census Enactment, 1901	, ,

## ENACTMENT NO. 10 OF 1910.

As amended by Fed. E. 9 of 1914 and 12 of 1918.

An Enactment to repeal and re-enact with amendments  
the Law relating to Banishment.

JOHN ANDERSON,  
*President of the Federal Council.*

[1st November, 1910.  
5th December, 1910.]

It is hereby enacted by the Rulers of the Federated Malay States  
in Council as follows :—

Short title and  
commence-  
ment.

1. (i) This Enactment may be cited as “The Banishment  
Enactment, 1910,” and shall come into force upon publication  
thereof in the *Gazette*.

Repeal.

(ii) Upon the coming into force of this Enactment “The Federal  
Banishment Enactment, 1909,” shall be repealed.

Interpretation.

2. In this Enactment, unless the context otherwise requires—

“Malay State” means any one of the States of Perak, Selangor,  
Negri Sembilan, Pahang, Kedah, Perlis, Kelantan, Trengganu, and  
Johore.

The words “the State” are to be read as meaning the State  
in which the acts authorized to be done or the powers conferred  
by the section in which the words occur have been or are to be  
done or exercised, and the words “the Resident” and “the Chief  
Police Officer” as meaning the Resident and the Chief Police  
Officer, respectively, of that State.

Warrant of  
arrest and order  
of banishment  
or to give  
security.

3. (i) Whenever it shall appear to the Resident of any of the  
Federated Malay States after such enquiry as he may deem necessary  
or on the written information of the Secretary for Chinese Affairs,  
Federated Malay States, or in his absence from the State of the  
officer appointed by him to submit such written informations on  
his behalf in the State, or of the Chief Police Officer, the Superin-  
tendent of the Convict Establishment or a District Superintendent  
of Prisons that there are reasonable grounds for believing that the  
banishment from the State of any person in the State is necessary  
for the safety, peace, or welfare of the State or of any other Malay  
State or that it is expedient that such person be required to execute  
a bond for his good behaviour the Resident shall issue an order for  
the arrest and detention, or if he is already in prison for the deten-  
tion, of such person and shall lay before the Ruler of the State a  
written statement of the grounds upon which it so appears to him,  
and the Ruler of the State may thereupon, with the advice and  
consent of the Resident, order that such person be banished from  
the State, or may with the like advice and consent order that such  
person do before a day to be named in the order execute a bond  
with sureties for his good behaviour in such amount and for such  
period as may be fixed by such order.



(ii) Banishment under this section may be either for the life of the person banished or for a term to be stated in the order.

Term of banishment.

(iii) If any person ordered to give security for his good behaviour under the provisions of this section does not give such security, to the satisfaction of the Resident, before the day named in that behalf in the order or such later day as the Resident may appoint, he shall be banished from the State for such period as the Ruler of the State, with the advice and consent of the Resident, shall think fit.

Banishment on failure to give security.

4. (i) The warrant of arrest and detention or of detention and the order of banishment made under the last preceding section shall be in one of the forms A and B, respectively, contained in the schedule to this Enactment.

Form of warrant of arrest and order of banishment.

(ii) The warrant of arrest and detention may, if endorsed to such effect by the Resident of any other State, be executed in such other State.

Execution of warrant of arrest in another State.

(iii) If any person for whose arrest and detention a warrant has been issued in accordance with the provisions of this Enactment absconds or conceals himself so that such warrant cannot be executed, he may be proclaimed and his property may be attached by any Court on the application of the Chief Police Officer of any State in which he has property in the manner prescribed by any law for the time being in force for the proclamation of persons absconding to evade execution of the warrant of a Criminal Court and for the attachment of the property of such persons.

Proclamation and attachment.

5. No order of banishment made under this Enactment shall be carried into effect until a warrant of execution of such order, which shall be in the form C in the schedule, has been issued by the Resident, nor until after the expiration of ten days from the date of such order.

Order of banishment not to be carried into effect until after ten days.

6. (i) When in any State of the Federated Malay States an order of banishment has been made under this Enactment against any person, such person shall before the warrant of execution of such order is issued be taken before the Resident, who shall inform him of the period for which he is banished and warn him that he is forbidden by law to return to the State or to enter or reside in any other Malay State except as specially provided in the order of banishment or (unless such person is a natural-born subject of His Britannic Majesty) to enter or reside in the Colony.

Person banished to be taken before the Resident.

(ii) A copy of the order of banishment in English, and also, if possible, in the language of the person banished shall be handed by the Chief Police Officer to every such person.

Copy of order of banishment to be given.

7. Subject to the provisions of Section 5 an order of banishment may be carried into effect in any State and at any time after the making thereof so long as it remains in force.

Order of banishment made in one State may be carried into effect in another.

8. (i) Every order of banishment made under this Enactment shall be carried into effect in the manner hereinafter in this section provided.

Execution of order of banishment.

(ii) On production of such order and of the warrant of execution of such order to the District Superintendent of Prisons in whose

E. 12 of 1918.

charge the banished person is, the banished person shall be handed over by the District Superintendent of Prisons, or by some person appointed by such District Superintendent in that behalf, to the Chief Police Officer or a police officer appointed by the Chief Police Officer to receive him, *and shall be conveyed in custody of such or some other police officer either*

(a) *by railway and ship or boat to some port of the Colony, or*  
 (b) *to a port of the State and thence by ship to some other port of the Federated Malay States or to some port of the Colony for removal thence, either direct or by transshipment at some port of the Federated Malay States or of the Colony, to the country of which he is a natural born subject, or elsewhere if so stated in the warrant, in such manner as the Chief Police Officer shall direct. The ship in which the banished person is conveyed in custody under this section shall, unless the banished person is a subject of any of the Rulers of the Federated Malay States, be a ship belonging to the said Rulers or to any of them or to His Britannic Majesty or to any of their respective subjects.*

(iii) Provided that if it shall appear to the Chief Police Officer that the banished person may more conveniently or expeditiously be sent to the destination stated in the warrant by being placed on board a ship at some other port in the Federated Malay States, the Chief Police Officer may, on receipt of an order from the Resident authorizing him so to do, cause the banished person to be conveyed into and handed over to the custody of the police in the State in which such other port is situated, together with the order of banishment and the warrant of execution of the same, and upon this being done such order of banishment and warrant shall be read as if such order had been made by the Ruler of such other State and such warrant had been issued by the Resident of such other State and addressed to the Chief Police Officer and other police officers in such other State, and the order of banishment shall be carried into effect in such other State accordingly.

(iv) Any banished person brought into any State in pursuance of the provisions of sub-section (iii) or arriving at a port in any State for transshipment as provided in sub-section (ii) may lawfully be detained by the police in such State or received into and detained in any civil prison in such State until he can be placed on board a ship bound for his port of destination or a port in the Colony.

(v) The order to convey a banished person into another State provided for in sub-section (iii) shall not be made by the Resident until the consent of the Resident of such other State has first been obtained.

9. All persons lawfully banished from the Colony or from any Malay State are hereby, unless it is otherwise specified in the order of banishment, prohibited from entering or residing in any of the Federated Malay States so long as the term for which they were banished has not expired or the order of banishment has not been cancelled or revoked whether such order shall have been carried into effect as provided in the last preceding section or not.

Persons  
 banished from  
 the Colony or  
 any Malay State  
 prohibited  
 from entering  
 any of the  
 Federated  
 Malay States.

10. (i) Any person found to have entered or to be residing in any of the Federated Malay States without lawful authority and in contravention of the prohibition contained in Section 9 may, whether an order of banishment has been made against him in such State or not, either be —

Procedure in case of persons so entering.

(a) forthwith removed from the State in which he is found by order of the Resident of such State in the manner provided in Section 8; or

(b) prosecuted before the Court of a Judicial Commissioner on a charge of contravening the provisions of Section 9.

(ii) No prosecution shall be instituted under this section without the previous sanction in writing of the Resident of the State in which it is to be instituted.

Sanction for prosecution.

(iii) *Any person so prosecuted shall on a first conviction be sentenced to rigorous imprisonment as follows :*

Penalty.

E. 9 of 1914.

(a) *if the term for which such person was banished be less than five years, the term of imprisonment shall be equal to the term of the banishment ;*

(b) *if the term for which such person was banished be five years or more, the term of imprisonment shall be five years.*

(iv) *Any person convicted under this section who shall have been previously convicted in the Federated Malay States of unlawfully entering or residing in the said States or any of them after having been lawfully banished therefrom or from the Colony or from any Malay State shall be sentenced to rigorous imprisonment for a term of fifteen years.*

11. (i) Any person who knowingly conceals or harbours any person whose banishment has under this Enactment been ordered but not yet carried into effect, and any person who knowingly conceals or harbours any person who, having been lawfully banished from the Colony or from a Malay State, unlawfully enters or resides in any of the Federated Malay States before the term of banishment ordered has expired, shall be guilty of an offence and shall be liable on conviction to fine not exceeding five hundred dollars or to imprisonment of either description for any period not exceeding six months.

Concealing or harbouring banished person.

(ii) Sub-section (i) shall not apply to the case of a wife harbouring or concealing her husband, or to the case of a husband harbouring or concealing his wife.

Exception.

(iii) Any person aware of the presence in any of the Federated Malay States of any person, not being the husband or wife of such first-mentioned person, whose banishment has under this Enactment been ordered but not yet carried into effect, or of the presence in any of the Federated Malay States of any person, not being the husband or wife of such first-mentioned person, who, having been lawfully banished from the Colony or from a Malay State, has unlawfully entered or resided in any of the Federated Malay States before the time of banishment ordered has expired, and being aware also of the making of the order of banishment, shall, in the absence of reasonable excuse, proof whereof shall lie on

Duty of all persons to give information of presence of banished person.

him, forthwith give information to the nearest Magistrate or police officer, and in default of so doing shall be liable on conviction to fine not exceeding two hundred and fifty dollars or to imprisonment of either description for any period not exceeding three months.

Proof of  
banishment.

12. For the purpose of any prosecution under this Enactment any order of banishment purporting to be issued by the Governor of the Straits Settlements in Council, or purporting to be issued by the Ruler of a Malay State and to be signed by the Resident of that State, or by any British officer serving in that State as Adviser to the Ruler thereof or as British Agent or in the like capacity, shall be sufficient proof of the fact and date of such banishment.

Arrest on  
suspicion.

13. Any police officer may arrest without warrant any person reasonably suspected of being in any of the Federated Malay States in contravention of the provisions of Section 9, and such person may be detained in any prison by order of a Magistrate pending receipt of the Resident's instructions.

Presumption.

14. In any prosecution under this Enactment if it is proved that any person has voluntarily remained in any of the Federated Malay States for more than twenty-four hours the Court shall presume, until the contrary is shown, that such person has resided therein.

No banishment  
except under  
this Enactment  
or the Penal  
Code.

15. (i) No person shall be banished from any of the Federated Malay States otherwise than in accordance with the provisions of this Enactment or of Section 55 of the Penal Code.

Power to cancel  
order of banish-  
ment.

(ii) Any order of banishment made under this Enactment may at any time be revoked or cancelled by the authority by which it was made.

Power to  
prescribe new  
forms.

16. The Resident-General may from time to time by order published in the *Gazette* prescribe forms to be used under this Enactment in addition to the forms contained in the schedule, and may by like order direct that another form be used either in all cases or in certain specified cases in substitution for any one of the forms A, B, and C contained in the schedule, and upon the publication of any such order in the *Gazette* the form prescribed in such order shall be deemed to be, in the cases in which its use is prescribed, the form A or B referred to in Section 4 or the form C referred to in Section 5 of this Enactment, as the case may be.

Provisions for  
protection of  
officers.

17. (i) No action shall be brought against any person for anything done, or *bonâ fide* intended to be done, in the exercise or supposed exercise of powers given by this Enactment—

- (a) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof ;
- (b) after the expiration of three months from the date of the accrual of cause of action ;
- (c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without

reasonable or probable cause, and if at the trial the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such a plaintiff shall not have costs against the defendant unless the Court before which the action is tried shall certify its approbation of the action.

## SCHEDULE.

## FORM A (1).

## FEDERATED MALAY STATES.

STATE OF —.

## WARRANT OF ARREST AND DETENTION.

(“The Banishment Enactment, 1910,” Section 3.)

To the Chief Police Officer and all other Police Officers in the State, and to the District Superintendent of Prisons for the District of .

Whereas it appears to me in accordance with the provisions of Section 3 of “The Banishment Enactment, 1910,” that there are reasonable grounds for believing that the banishment of from the State is necessary for the safety, peace, or welfare of the State, (a) [or of other of the Malay States—to wit, the State(s) of ]:

Now you, the said Police Officers, are hereby directed to arrest the said wherever he may be found in the State and to convey him to the District Prison at ;

And you, the said District Superintendent of Prisons, are hereby directed to detain the said in safe custody in the Civil Prison at until you shall receive further orders through me.

Given under my hand this day of 19 at

.....

*British Resident.*

(a) The words in brackets are to be omitted if not required.

## FORM A (2).

## FEDERATED MALAY STATES.

STATE OF —.

## WARRANT OF DETENTION.

(“The Banishment Enactment, 1910,” Section 3.)

To the District Superintendent of Prisons for the District of .

Whereas it appears to me in accordance with the provisions of Section 3 of “The Banishment Enactment, 1910,” that there are

reasonable grounds for believing that the banishment of            at present detained in the prison at            from the State is necessary for the safety, peace, or welfare of the State (a) [or of other of the Malay States—to wit, the State(s) of            ] :

Now you, the said District Superintendent of Prisons, are hereby directed to detain the said            in safe custody in the Civil Prison at            until you shall receive further orders through me.

Given under my hand this            day of            19    at

.....

*British Resident.*

(a) The words in brackets are to be omitted if not required.

#### FORM A (3).

### FEDERATED MALAY STATES.

STATE OF —.

### WARRANT OF ARREST AND DETENTION.

(“The Banishment Enactment,” 1910, Section 3.)

To the Chief Police Officer and all other Police Officers in the State, and to the District Superintendent of Prisons for the District of            .

Whereas it appears to me in accordance with the provisions of Section 3 of “The Banishment Enactment, 1910,” that it is expedient that            be banished from the State or be required to execute a bond for his good behaviour :

Now you, the said Police Officers are hereby directed to arrest the said            wherever he may be found in the State and to convey him to the District Prison at            ;

And you, the said District Superintendent of Prisons, are hereby directed to detain the said            in safe custody in the Civil Prison at            until you shall receive further orders through me.

Given under my hand this            day of            19    at

.....

*British Resident.*

#### FORM B.

### FEDERATED MALAY STATES.

STATE OF —.

### ORDER OF BANISHMENT.

(“The Banishment Enactment, 1910.”)

It is hereby ordered by the Ruler of the State of            in accordance with the provisions of “The Banishment Enactment, 1910,” that            for whose [arrest and] detention a warrant was issued under the said Enactment by the Resident on the            day of            19    under Section 3 of the said Enactment be banished

and the same is hereby banished from the State of \_\_\_\_\_ for  
 the term of \_\_\_\_\_ <sup>his natural life.</sup>  
 ...years from this date.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at \_\_\_\_\_

.....  
*British Resident.*

### FORM C.

### FEDERATED MALAY STATES.

### WARRANT TO EXECUTE ORDER OF BANISHMENT.

("The Banishment Enactment, 1910," Section 5.)

To the District Superintendent of Prisons for the District of \_\_\_\_\_  
 and to the Chief Police Officer and all other Police Officers in the  
 State :

Whereas by an order of banishment made in accordance with the  
 provisions of "The Banishment Enactment, 1910," and dated the  
 day of \_\_\_\_\_ 19 \_\_\_\_\_, late of \_\_\_\_\_ but now detained  
 under a warrant issued under the provisions of the said Enactment  
 and dated the day of \_\_\_\_\_ 19 \_\_\_\_\_ in the prison at \_\_\_\_\_ has  
 been ordered to be banished from the State for the term of \_\_\_\_\_ :

Now I do hereby direct you, the said District Superintendent  
 of Prisons, to deliver the body of the said \_\_\_\_\_ into the custody  
 of the Chief Police Officer or other Police Officer authorized in  
 writing by him together with this warrant ;

And I do hereby direct you, the said Chief Police Officer, or other  
 Police Officer authorized in writing by the Chief Police Officer, to  
 receive the said \_\_\_\_\_ into your custody and to cause him to be  
 conveyed to \_\_\_\_\_ and there placed on board a ship bound for  
 or if there be no ship bound for such place on which he can con-  
 veniently be placed, then, in such case, on board a ship bound to a  
 port in the Colony or the Federated Malay States at which he can be  
 transhipped to a ship bound for such place and to see him removed  
 from the State on board the ship on which he is so placed ;

And I do further direct you, the said Chief Police Officer, to return  
 this warrant to me within the space of \_\_\_\_\_ days, showing by an  
 endorsement made hereon its due execution and the port at which  
 the ship by means of which and the officer by whom it has been  
 so executed.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at \_\_\_\_\_

.....  
*British Resident.*

## ENACTMENT NO. 13 OF 1910.

An Enactment to impose a Duty on certain Bills of Lading and to protect Shippers of Goods from excessive charges and undue restrictions.

JOHN ANDERSON,  
*President of the Federal Council.*

[3rd November, 1910.  
1st January, 1911.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title.

1. This Enactment may be cited as “The Freight and Steamship Enactment, 1910,” and shall come into force on the 1st day of January, 1911.

Interpretation.

2. In this Enactment unless the context otherwise requires—

“Bill of lading” includes every document issued by or on behalf of a steamship owner evidencing a contract for the carriage of goods by sea from any port in the Federated Malay States and every document being the sole or principal acknowledgment by or on behalf of a steamship owner of the receipt of goods for the purpose of such carriage, but does not include a document relating exclusively to the carriage of goods otherwise than by a steamship.

“Freight” means the reward paid or payable to a steamship owner for the carriage and delivery of goods by steamship.

“Goods” includes merchandise, agricultural and mineral products, manufactured articles, and movable property of every description.

“Steamship” does not include any vessel whose gross tonnage is less than 500 tons.

“Steamship owner” means a person owning a steamship used or intended to be used for the carriage of goods from any port in the Federated Malay States to any other place, and includes a person having under the terms of a charter-party the control of such a steamship and also a person being or acting as an agent for a steamship owner.

“Treasurer” means the State Treasurer of any State in which a bill of lading is issued or used.

Duty on bills of lading.

3. Subject to the provisions of this Enactment there shall be paid to the Treasurer or to the officer in charge of the nearest sub-Treasury in respect of every bill of lading issued after the commencement of this Enactment a duty the amount whereof shall be equal to twenty per cent. or such higher or lower percentage as may from time to



time be prescribed by the Resident-General by notification in the *Gazette* of the total amount paid or payable or paid and payable to the steamship owner as freight under or in respect of such bill of lading ; provided that the duty to be paid under this section shall not in the case of any bill of lading be less than one hundred dollars or such other sum as may be from time to time fixed by the Resident-General in like manner as aforesaid.

4. The duty imposed by Section 3 shall accrue due from the steamship owner by or on behalf of whom the bill of lading is issued, and every person who as agent for a steamship owner issues any bill of lading shall also be liable for the payment of the said duty thereon. The said duty shall be paid by the person liable therefor to the Treasurer or to the officer in charge of the nearest sub-Treasury without demand within the seven days next following the issue of the bill of lading in respect of which such duty has accrued due, or within such other time as may be prescribed by rule under Section 15.

Liability for  
duty : time of  
payment.

5. Every steamship owner who shall issue any bill of lading shall clearly set forth therein the total amount of the freight paid or payable or paid and payable to the steamship owner thereunder or in respect thereof, and shall within twenty-four hours of the issue of the bill of lading cause a true copy thereof, authenticated by his signature or in such other manner as may be prescribed, to be delivered to the Treasurer or to the officer in charge of the nearest sub-Treasury.

Particulars to  
be supplied.

6. Every steamship owner shall on demand produce for the inspection of the Treasurer or of any person authorized by the Treasurer in writing in that behalf every book, document, and other record in his possession wherein any particulars relating to the issue of or contents of any bill of lading are contained or recorded.

Inspection of  
books.

7. Every steamship owner shall in respect of the obligation to carry goods tendered to him for carriage be deemed a common carrier and shall be bound to receive such goods from any person offering reasonable freight for their conveyance and to convey the same by the earliest available opportunity without unnecessary deviation or delay to such port, being one of the ports at which the vessels of such steamship owner ordinarily call as shall be designated by the consignor of such goods and there deliver them without further charge in respect of conveyance by sea to the consignee.

Common  
carrier.

8. (i) If proof shall be furnished to the satisfaction of the Resident-General that a steamship owner is not a party to any agreement or understanding designed for or having the effect of maintaining rates of freight at an unduly high level or regulating or controlling rates of freight in a manner injurious to the trade of the Federated Malay States, a notification thereof shall be published in the *Gazette* and thereupon such steamship owner shall, in respect of steamships owned by him or whereof he has the control under the terms of a charter-party but not in respect of steamships whereof he is the agent only, be exempt while such notification remains in force from the operation of Sections 3, 4, 5, 6, and 7 with effect from such date as may be specified in the said notification.

Exemption  
from Sections 3,  
4, 5, 6, and 7.

(ii) The Resident-General may at any time rescind any such notification on such evidence as may appear to him sufficient to prove that the steamship owner named in such notification has become a party to any such agreement or understanding as is referred to in sub-section (i).

(iii) Such proof and such notification as are referred to in sub-section (i) may be furnished and published, respectively, at any time after the passing of this Enactment, but so that no such notification shall be of any effect until this Enactment has come into force. Any such notification published prior to the commencement of this Enactment may also be rescinded prior to the commencement thereof.

(iv) For the purpose of enquiring into any proofs furnished under the provisions of sub-section (i) the Resident-General or any person authorized in that behalf by him may administer oaths and affirmations.

Disposal of duty paid.

9. (i) All sums paid on account of the duty imposed by Section 3 shall be placed by the Treasurer to the credit of a fund which shall be under the management and control of a committee of three persons with power to expend and otherwise dispose of the moneys standing from time to time at credit of the said fund subject to the approval of the Resident-General in any manner which may in the opinion of such committee or of a majority thereof tend to promote the purposes of this Enactment; provided that if within such period as may be prescribed by rule under Section 15 proof shall be furnished to the satisfaction of the Resident-General that the person appearing from any bill of lading on which duty has been paid under this Enactment to have shipped the goods to which such bill of lading relates is not a party or the agent of a party to any such agreement or understanding as is referred to in Section 8 (i), there shall be repaid from such fund to such person on demand the amount of the duty received by the Treasury under this Enactment in respect of such bill of lading.

(ii) The members of the said committee shall be appointed by the High Commissioner who may from time to time remove any member therefrom and may appoint others in place of any persons ceasing to be members.

Recovery by shipper of percentage of freight.

10. Any person who shall have shipped goods within the twelve months immediately preceding the commencement of this Enactment or at any time after the commencement thereof from any port in the Federated Malay States by a steamship shall by virtue of this Enactment and notwithstanding any contract to the contrary be entitled, at any time after the expiration of six months from the date of shipment of the goods, to recover at law from the person who at the time of such shipment was the owner of the said steamship or had control thereof under the terms of a charter-party or from any agent of any such person an amount equal to ten per cent. of the freight paid in respect of such shipment or such higher or other percentage thereof as may from time to time be prescribed by rule under Section 15; provided that in respect of any shipment made between the date from which a notification under Section 8 (i) is

expressed to have effect and the date of rescission or other determination of such notification, no claim shall be maintainable under this section against the person to whom such notification relates or against any other person as his agent.

11. The operation of the last preceding section may be suspended from time to time by the Resident-General by notification published in the *Gazette*. Every such notification shall either fix the period of such suspension or provide for suspension of the said section until further notice. In case of suspension until further notice the said section may be again brought into operation by the Resident-General by a further notification in the *Gazette* to take effect from any date subsequent to the date of the notification. No claim shall be maintainable under the said section in respect of any shipment made during the period of any suspension thereof.

Suspension of  
Section 10.

12. All duty accrued under this Enactment and unpaid shall be deemed a debt due to the Government of the State in which it accrued and shall be recoverable by the Treasurer in the manner provided by law for the recovery of debts due to the State.

Mode of  
recovery of duty  
due.

13. Any person who shall contravene the provisions of Section 4, Section 5, Section 6, or Section 7 shall be liable, on conviction by a Magistrate of the First Class, to a fine not exceeding two thousand five hundred dollars. No payment of any fine imposed under this section shall affect the amount of any duty payable under Section 3.

Penalty.

14. The High Commissioner may, by notification in the *Gazette*, exempt from the operation of this Enactment or of any provision thereof, and may by a subsequent notification so published bring within the operation of all or any of the provisions of this Enactment from which it had been so exempted, any State of the Federated Malay States, or any part of a State. No such notification shall have any retrospective effect.

Exemption from  
Enactment.

15. The Resident-General may from time to time make rules to prescribe—

Rules.

- (a) the period within which duty accrued due under Section 3 shall be paid ;
- (b) the mode of authentication of copies of bills of lading under Section 5 ;
- (c) The period for the submission to the Resident-General of the proof required by Section 9 ;
- (d) the percentage of the freight which may be recovered under Section 10.

16. Nothing in this Enactment contained shall affect any duty payable in respect of a bill of lading otherwise than under this Enactment.

Other duty not  
affected.

## ENACTMENT NO. 14 OF 1910.

As amended by E. 9 of 1916, 15 of 1917, and 28 of 1919.

An Enactment to prohibit the importation of Opium and to vest in the Government the sole right of importing and dealing in Chandu.

JOHN ANDERSON,

*President of the Federal Council.*

[3rd November, 1910.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and construction.

1. (i) This Enactment may be cited as “The Opium and Chandu Enactment, 1910,” and shall come into force on the first day of January, 1911.

Repeal.

(ii) On the coming into force in any State of this Enactment such of the Enactments mentioned in the schedule hereto as are in force in such State shall be repealed to the extent therein specified.

Interpretation.

2. In this Enactment and in all rules, notifications, and orders made thereunder the following terms shall, unless the context otherwise requires, have the meanings assigned to them respectively in this section.

“Opium,”  
E. 9 of 1916.

“Opium” means the spontaneously coagulated juice obtained from the capsules of the *papaver somniferum* which has only been submitted to the necessary manipulations for packing and transport and includes the leaves or wrappings in which opium balls have been wrapped.

“Chandu,”

“Chandu” means the product of opium or any preparation in which opium forms an ingredient obtained by a series of special operations, especially by dissolving, boiling, roasting, and fermentation designed to transform it into an extract suitable for consumption and includes chandu dross but does not include

(a) any of the alkaloids or salts of the alkaloids of opium, or

(b) opium or any preparation in which opium forms a part which is used or intended to be used either by a chemist and druggist as defined by “The Deleterious Drugs Enactment, 1911,” only in the preparation of a prescription signed by a duly qualified medical practitioner or by a veterinary surgeon, as defined by “The Deleterious Drugs Enactment, 1911,” in the exercise of his profession.

“Chandu dross.”

“Chandu dross” means the refuse of chandu which has been used.

“Government chandu.”

“Government chandu” means in any State chandu which at some time has been prepared under the direction of the Superintendent for use in the Federated Malay States or has been sold in such State by the direction of the Superintendent, whether to a person licensed under this Enactment or to any other person, and includes dross derived from such chandu.

“Import.”

“Import,” with its grammatical variations and cognate expressions, means to bring or cause to be brought into any State either by land or sea.

*“Export,” with its grammatical variations and cognate expressions, means to take or cause to be taken out of any State either by land or sea.* “Export.”  
E. 28 of 1919.

*“Superintendent” means any officer appointed by the Resident of any State to be Superintendent or Assistant Superintendent of Chandu for such State or any district therein, and the words “the Superintendent” mean the Superintendent or Assistant Superintendent of Chandu for the State or district in which any powers conferred or duties imposed by the section in which these words occur are or are to be exercised or performed.* “Superintendent.”

*“Chandu officer” means any officer appointed by the Resident of any State or by a Superintendent to perform within such State or within any specified district of such State any duties under this Enactment or any rules made thereunder.* “Chandu officer.”

*“Malay” means a person belonging to any Malayan race who habitually speaks the Malay language or any Malayan language and professes the Moslem religion.* E. 9 of 1916.

**3.** Subject to the exceptions specified in Section 24 no person shall import into or export from or have in his possession in any State any opium. Prohibition of importation or exportation of opium.  
E. 28 of 1919.

**4.** Subject to the exceptions specified in Section 24 no person other than a Superintendent shall import into or export from any State any chandu or have in his possession in any State any chandu other than Government chandu; provided that it shall not be an offence for any person to bring into any State or to have in his possession in any State Government chandu lawfully acquired by him in any other State. Prohibition of importation or exportation of chandu.  
E. 28 of 1919.

**5. (i)** Any person importing or exporting or having in his possession any opium in contravention of the provisions of Section 3 or importing or exporting, or having in his possession any chandu in contravention of the provisions of Section 4 shall, on conviction by a Magistrate of the First Class, be liable for the first offence to a fine not exceeding one thousand dollars or ten times the value of the opium or chandu so imported or exported or whereof he is found in possession, whichever is the greater, or to imprisonment of either description for a term not exceeding three months or to both, and for every subsequent offence to a fine not exceeding five thousand dollars or twenty times the value of the opium or chandu so imported or exported or whereof he is found in possession, whichever is the greater, or to imprisonment of either description for a term not exceeding six months or to both, and the opium or chandu shall be forfeited. Penalty.  
E. 28 of 1919.

Provided always that no person shall be convicted under this section by reason only of his being found in possession of any chandu dross produced by him (or if he is the holder of a license under this Enactment by any customer of his upon the premises specified in the license) by smoking Government chandu or by reason only of his being found on arrival at or departure from the borders of any State to have in his possession chandu carried for his own personal consumption only in quantity not exceeding one chi. Proviso.

Abetment.

(ii) Any person who abets the commission of an offence punishable under sub-section (i) of this section shall be liable on conviction to the same penalty as if he had himself committed such offence.

Counterfeiting  
Government  
chandu or a  
Government  
mark.  
E. 9 of 1916.

6. *Any person who—*

- (a) *mixes anything with chandu or substitutes any other substance in place of chandu, provided that such substance is wrapped in or placed in such packages or receptacles as are commonly used by the Superintendent for the sale of chandu or in packages or receptacles that are a colourable imitation of such packages or receptacles, with the intention of causing it to be believed that such chandu or substituted substance is Government chandu ; or*
- (b) *possesses, sells, or offers for sale as Government chandu chandu with which anything is mixed or any substance substituted for chandu with such intention as aforesaid, unless he satisfies the Court that he acted innocently ; or*
- (c) *counterfeits any mark used by the Superintendent to denote that the chandu contained in any receptacle is Government chandu or has been made or supplied by the Superintendent ; or*
- (d) *uses as genuine any such mark ; or*
- (e) *makes or has in his possession a counterfeit of any such mark as aforesaid or any die, plate, or other instrument for counterfeiting any such mark ; or*
- (f) *abets the doing of anything which is punishable under this section ;*

*shall be liable on conviction to a fine not exceeding five thousand dollars or to imprisonment of either description for a term not exceeding twelve months or to both.*

License  
required for  
selling chandu  
or for possessing  
more than seven  
and a half  
tahils.  
E. 9 of 1916.

7. (i) *No person shall except in accordance with the terms and conditions of a license issued under this Enactment and in a place specified in such license—*

- (a) *sell or offer for sale any chandu ;*
- (b) *open or keep any house, shop, room, or place wherein facilities are provided for the consumption of chandu in return for any remuneration, whether in money or otherwise ;*
- (c) *have in his possession in any State or any area of a State chandu exceeding seven and a half tahils in weight or such other weight, if any, as may from time to time be prescribed by the Resident of such State, by notification in the Gazette, to be the maximum weight which a person may in such State or area have in his possession without license.*

Penalty.

(ii) Any person offending against the provisions of this section shall be liable on conviction to a fine not exceeding five hundred dollars, and all chandu and any opium pipes, lamps, opium cooking utensils and any packages or utensils used or intended to be used for the purpose of containing chandu found in the possession of such person shall be forfeited.

Exception.

(iii) Nothing in this section shall apply to the sale of chandu dross to a Superintendent.

8. Any person other than a Superintendent who purchases or agrees to purchase any chandu dross and any person who purchases or agrees to purchase any chandu otherwise than from the holder of a license under this Enactment or elsewhere than at any premises specified in a license under this Enactment shall be liable on conviction to a fine not exceeding five hundred dollars.

Penalty for purchasing chandu except at a licensed shop.

9. (i) *No person shall*

- (a) *sell or offer for sale any chandu dross except to the Superintendent ;*
- (b) *subject chandu dross to artificial heat with a view to rePreparing it for use ;*
- (c) *have in his possession any chandu dross whatever exceeding one tahl in weight ;*
- (d) *have in his possession any reprepared chandu dross ;*
- (e) *offer for sale to the Superintendent chandu dross which is adulterated ;*

Chandu dross.  
E. 9 of 1916.

E. 15 of 1917.

*provided that nothing in paragraph (c) of this sub-section shall prohibit the licensee of a public chandu-smoking shop from having in his possession upon the licensed premises such amount of chandu dross as the Superintendent shall have sanctioned in writing.*

(ii) *Any person offending against the provisions of paragraph (a), (b), (d), or (e) of sub-section (i) shall be liable on conviction to a fine not exceeding five hundred dollars ; and any person offending against the provisions of paragraph (c) of sub-section (i) shall on conviction be punished with a fine of an amount equal to twenty times the value of the chandu dross exceeding one tahl in weight which he was convicted of having in his possession and shall also be liable to a further fine not exceeding one thousand dollars. For the purposes of this sub-section the value of any chandu dross in respect whereof an offence has been committed shall be its value calculated at the price declared for the time being by notification in the Gazette to be the Government purchase price for chandu dross of similar quality.*

E. 15 of 1917.

(iii) *In any proceedings under this Enactment a certificate signed by the Superintendent that he is satisfied by analysis that any dross is or is not reprepared or that any dross offered to him for sale is or is not adulterated shall be evidence of the facts stated therein, and neither the Superintendent nor the analyst who made such analysis shall be cross-examined with regard to the contents of such certificate.*

10. (i) All licenses under this Enactment shall be under the hand of the Superintendent who may grant such licenses to such persons only as the Resident of the State may from time to time approve, and shall be substantially in one or other of such forms as may from time to time be prescribed, and shall set forth the name of the licensee, the date on which the license expires, the situation of the licensed premises, the hours during which such premises may be open, and the number of persons who may be permitted to be at any one time on such premises.

Licenses.

(ii) Every such license shall be subject to all the conditions prescribed by rule under this Enactment and also to any further conditions imposed in the exercise of his discretion by the Superintendent by whom the license is granted which shall be endorsed

thereon. There shall be payable in respect of every such license such fees as may from time to time be prescribed.

(iii) Every such license shall expire on the 30th day of June or the 31st day of December next following the date of its issue and may be cancelled at any time by the Superintendent with the sanction of the Resident.

(iv) No such license shall be transferable except with the approval of the Resident.

E. 9 of 1916.

(v) *Every business carried on under such license shall be conducted by the licensee in person or by a person appointed in writing by the licensee with the express approval of the Superintendent to conduct such business.*

Offences of  
licensed  
retailers.

11. (i) The holder of a license under this Enactment shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty dollars if he—

(a) sells or offers for sale or has in his possession any chandu otherwise than in such sealed or stamped parcels or packages as shall have been supplied to him by the Superintendent ;

(b) sells or offers for sale or has in his possession any loose chandu whether mixed or in combination with any other substance or not ;

(c) sells or offers for sale or delivers to any person any chandu in parcels or packages which do not bear the Government seal or stamp intact ;

(d) sells or offers for sale any chandu at a price other than a price for the time being prescribed for the State or district ;

E. 9 of 1916.

(e) *sells or offers for sale or delivers any chandu except to*

(1) *male Chinese of not less than 21 years of age, or*

(2) *persons purchasing chandu in accordance with the terms of a written permission in that behalf granted by the District Officer of the district in which the sale, offer, or delivery takes place ;*

(f) sells or delivers any chandu to any person on credit or accepts payment otherwise than in money for any chandu sold by him ;

(g) contravenes any of the conditions to which his license is subject under Section 10 or the provisions of any rule made under this Enactment.

(ii) *No District Officer shall grant any such written permission to purchase chandu as is referred to in paragraph (e) of sub-section (i) except with the express sanction of the Resident of the State ; such sanction may be either general or particular, at the discretion of the Resident.*

Books of  
account to be  
kept.

12. Every holder of a license under this Enactment shall keep books of account in which shall be set out detailed particulars of all his purchases and sales of chandu and the amount of chandu dross which has come into his possession each day and shall, if and when so required by the Superintendent, furnish a return of such purchases and sales and of the amount of chandu dross in his possession.



13. It shall be lawful for the Commissioner of Trade and Customs, the Secretary for Chinese Affairs, the Protector of Chinese, the Superintendent, the officer in administrative charge of the district, any chandu officer, and any police officer not below the rank of sergeant at all times to enter and inspect all premises licensed under this Enactment and to examine any books kept under the last preceding section and to inspect the stock of chandu and chandu dross therein.

Inspection and supervision of licensed shops.

14. (i) No person shall smoke chandu in any eating house, public lodging house, theatre, or other place of public resort, or in any club, or in any brothel, or in any licensed jinrikisha depot, or in any shop other than a shop licensed for the purpose under this Enactment; and no person having the control or management of any such place or shop shall permit the smoking of chandu therein.

Prohibition of chandu smoking in places of public resort.

(ii) *No Malay shall smoke chandu in any house, shed, or building the tenant or occupier whereof is not a Malay; and no person having the control or management of any such house, shed, or building or part thereof shall permit any Malay to smoke chandu therein.*

E. 9 of 1916.

(iii) If any person shall smoke chandu in any place in contravention of *this* section, the person having the control or management of such place shall, in the absence of proof to the contrary, be deemed to have permitted the smoking of chandu therein.

15. (i) The Superintendent and the Principal Officer of Customs in any district and any chandu officer or officer of customs authorized by either of them in writing in that behalf may at any time enter upon and search any premises in which it appears to such Superintendent or Principal Officer of Customs there is reasonable cause to believe that any opium or chandu imported contrary to the provisions of this Enactment is concealed or deposited, and may arrest any person being on such premises in whose possession any opium or chandu reasonably believed to have been so imported is found, and may take possession of and remove any such opium or chandu.

Power to search premises for opium or chandu.

(ii) The Superintendent and the Principal Officer of Customs in any district and any chandu officer or officer of customs authorized by either of them in writing either generally or in any particular case in that behalf may, if he shall have good reason to suspect that any person has any opium or chandu other than Government chandu secreted about his person, require such person to accompany him to the nearest police station or other place appointed by the Resident for such purpose and may cause such person to be searched at such police station or other place, provided that no female shall be searched except by a female. Any person refusing when so required to go to such police station or other place, or resisting such search, shall be guilty of an offence and may be arrested and charged accordingly. Any opium or any chandu reasonably believed to have been imported contrary to the provisions of this Enactment found upon any person so searched may be detained and taken to the office of the Superintendent for examination.

Power to search persons.

Power to arrest  
without  
warrant.

(iii) Any chandu officer, officer of customs, or police officer may arrest without a warrant any person found committing or attempting to commit or employing or aiding any person to commit an offence against the provisions of this Enactment and may take possession of any article in respect of which such offence is or has been committed.

(iv) Every person arrested under this section shall without unnecessary delay be taken to a police station and charged.

Search  
warrants.

16. Any Magistrate may by warrant addressed to any police officer not below the rank of corporal, or to any chandu officer or officer of customs, empower such officer to enter upon and search by day or night any premises within the jurisdiction of such Magistrate in any case in which it shall appear to such Magistrate upon the oath of any person that there is reasonable cause to believe that in such premises is concealed or deposited any article in respect of which an offence has been committed against this Enactment and to take possession of any such article and to arrest any person being in such premises in whose possession any such article may be found or by whom the said officer may have good and sufficient reason to suspect that such article has been concealed or deposited therein, and any officer to whom such warrant shall have been directed may, in case of obstruction or resistance, break open any outer or inner door of such premises and any chests, trunks, or packages, and by force, if necessary, enter upon any part of such premises and remove any obstruction to such entry, search, or seizure and detain any person found in such premises until the search shall have been completed.

Search by  
Superintendent  
without  
warrant.

E. 9 of 1916.

16A. *Whenever it appears to the Superintendent that there is reasonable cause to believe that in any dwelling-house, shop, or other building or place there is concealed or deposited any opium or chandu or other article subject to forfeiture under this Enactment or as to which an offence under this Enactment has been committed and he has good grounds for believing that by reason of the delay in obtaining a search warrant the opium, chandu, or other article is likely to be removed, the Superintendent in virtue of his office may exercise in, upon, and in respect of such dwelling-house, shop, or other building or place, all the powers in Section 16 mentioned in as full and ample a manner as if he were empowered to do so by warrant issued under the said section.*

Certificate of  
Superintendent.

E. 9 of 1916.

17. In any proceedings under this Enactment a certificate signed by the Superintendent that any chandu has been analysed by him or by his directions and is or is not Government chandu shall be evidence of the facts so certified and neither the Superintendent nor any person who shall have made the analysis referred to in such certificate shall be cross-examined with regard to the contents of such certificate.

Burden of  
proof.

18. In any proceedings under this Enactment the burden of proof that any chandu is Government chandu shall be upon the person alleging the same.

Penalty for  
making false  
return.

19. Any person who shall make, deliver, or supply any requisition, return, or account, or any statement of particulars, or other written

statement required by this Enactment or by any rules thereunder, shall, if the same be false or incorrect either wholly or in part to the knowledge of the person so making, delivering, or supplying it, whether it has been signed by him or not, be liable on conviction to a fine not exceeding one thousand dollars.

**20.** *Every omission or neglect to comply with and every act done or attempted to be done contrary to the provisions of this Enactment or of any rule made thereunder or in breach of the restrictions and conditions subject to or upon which any license has been issued and every abetment of any such omission, neglect, act, or attempt shall be deemed to be an offence against this Enactment, and for every such offence not otherwise specially provided for the offender shall, in addition to any forfeiture of the articles seized as hereinafter provided for, be liable on conviction to a fine not exceeding one hundred dollars, and if the offence is a continuing one shall be liable in addition to a fine not exceeding ten dollars in respect of each day during which such offence shall be continued.*

General penalty.  
E. 9 of 1916.

**21.** (i) The Court of a Magistrate of the First Class shall have power to impose any penalty provided by this Enactment.

Powers of Magistrate of First Class.

(ii) The imprisonment which may be given in default of payment of any fine imposed under Section 5 or Section 6 of this enactment may extend to the full term of imprisonment with which the offence is punishable under these sections.

**21A.** (i) *All opium and chandu in respect of which any offence under this Enactment or any breach of any rule made under this Enactment or any breach of the restrictions and conditions subject to or upon which any license has been granted has been or is being committed, together with the utensils, vessels, packages, carts, carriages, and conveyances in which the same may be found or which may have been used in connection with such offence or breach, may be seized by any Chandu Officer and shall be forfeited.*

Forfeitures.  
E. 9 of 1916.

(ii) *All opium and chandu, together with the utensils, vessels, packages, carts, carriages, and conveyances containing the same, which may be found without an apparent owner and for which no owner may appear after such notice given as to the Court of a Magistrate of the First Class may seem fit shall be forfeited.*

**21B.** *Whenever any person licensed under this Enactment would be liable under the provisions of this Enactment or of any rules made thereunder to any punishment, penalty, or forfeiture for any act, omission, neglect, or default, he shall be liable to the same punishment, penalty, or forfeiture for every similar act, omission, neglect, or default of any agent or servant employed by him in the course of his business as such licensed person; and every agent or servant employed by a person licensed under this Enactment in the course of his business as such licensed person shall also be liable to every punishment, penalty, or forfeiture prescribed for such acts, omissions, neglects, or default contrary to the provisions of this Enactment or of any rules made thereunder as fully and effectually as if such agent or servant had been the person to whom the license had been granted.*

Liability of licensed employer for act of servant.  
E. 9 of 1916.

Disposal of  
fines.

22. All fines and forfeitures under this Enactment or under any rule made thereunder shall be paid to the Superintendent and shall be disposed of in such manner as the Superintendent, with the approval of the Resident, may direct.

Powers of  
Resident to  
make rules.

23. (i) In each State the Resident may, with the approval of the Resident-General, from time to time make rules—

- (a) to prescribe the fees to be paid for licenses under this Enactment and for the transfer of such licenses ;
- (b) to prescribe the form of licenses under this Enactment and the conditions to which such licenses issued in the State shall be subject ;
- (c) to prescribe the price or prices at which Government chandu may be sold in the State or in any specified district of the State ;
- (d) to provide for the management, inspection, and control of premises licensed under this Enactment ;
- (e) to provide for the observance of sanitary conditions and requirements and of due order and decency on such premises ;
- (f) to prescribe the hours during which such premises may be kept open ;
- (g) to prescribe the books of account to be kept by the holder of a license and the language and manner in which they are to be kept ;
- (h) generally to give effect to the provisions of this Enactment.

(ii) All such rules shall be published in the *Gazette* and shall within such State have the same force as if they were part of this Enactment.

Exceptions.  
E. 28 of 1919.

24. (i) Nothing in this Enactment shall apply to the importation, *exportation*, preparation, sale, or possession of opium or chandu for medical purposes only by or on behalf of the Government or by any person licensed to sell poisons under any Enactment to regulate the possession and sale of poisons or deleterious drugs.

(ii) Nothing in this Enactment shall apply to any opium or chandu in the medicine chests of ships in a reasonable quantity or to any opium or chandu claimed on arrival at or before departure from any port by the master of a steamer of more than one hundred tons burthen as part of the sea stores of such ship, and kept in a place of safety under the sole custody and control of such master for as long as the ship remains in port, which is not in excess of the quantity which may reasonably be required for use as sea stores on board such ship to the next port of call outside the Colony or the Federated Malay States, or to any chests or packages of opium on board any steamer of more than one hundred tons burthen provided such chests or packages are correctly shown in the manifest of such steamer and declared as soon as possible after the arrival of such steamer in or in due course before the departure of such steamer from the waters of any State to the proper officer of customs.

(iii) Nothing done by any officer of the Government in the course of his duties shall be deemed to be a breach of the provisions of this Enactment.

25. (i) No action shall be brought against any person for any-thing done, or *bonâ fide* intended to be done, in the exercise or supposed exercise of the powers given by this Enactment or by any rules made thereunder—

- (a) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof ;
- (b) after the expiration of three months from the date of the accrual of the cause of action ;
- (c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if at the trial the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court, before which the action is tried, shall certify its approbation of the action.

[Sections 26-28 repealed by E. 9 of 1916.]

#### SCHEDULE.

#### ENACTMENTS REPEALED.

##### I.—STATE ENACTMENTS.

State.	No. and year.	Short title.	Extent of repeal.
Perak.. ..	1 of 1903	The Opium Enactment, 1903	The whole
Selangor ..	1 of 1903	Do.	„
Negri Sembilan	10 of 1903	Do.	„
Pahang ..	6 of 1903	Do.	„
Perak.. ..	4 of 1906	The Chandu Shops Enactment, 1906	„
Selangor ..	6 of 1906	Do.	„
Negri Sembilan	4 of 1906	Do.	„
Pahang ..	4 of 1906	Do.	„

##### II.—FEDERAL ENACTMENTS.

No. and year.	Short title.	Extent of repeal.
4 of 1909	The Federal Coast Chandu Enactment, 1909	The whole
6 of 1909	The Chandu Shops Enactment, 1906. Amendment Enactment, 1909	„

Provisions  
regarding  
actions.

## ENACTMENT NO. 18 OF 1910.

An Enactment to repeal and re-enact with amendments the “Prædial Produce Protection Enactments, 1897-8.”

JOHN ANDERSON, [3rd November, 1910.  
*President of the Federal Council.* 5th December, 1910.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows:—

- Short title and commencement. 1. (i) This Enactment may be cited as “The Plantation Produce Protection Enactment, 1910,” and shall come into force on publication in the *Gazette*.
- Repeal. (ii) On the coming into force of this Enactment in any State such of the Enactments mentioned in the schedule hereto as are in force in that State shall be repealed.
- Interpretation. 2. In this Enactment—
- “Owner.” “Owner” includes “lessee.”
- “Manager.” “Manager” includes “assistant manager” and any person for the time being acting either as manager or assistant manager.
- “Assistant manager.” “Assistant manager” includes estate engineers, accountants, and other persons taking part in the management of a plantation other than as subordinates.
- “Subordinate.” “Subordinate” includes any person employed, whether temporarily or permanently, on a plantation as controller, clerk, foreman, or labourer, or in any other capacity, or residing thereon, who is not an owner, manager, or assistant manager as hereinbefore defined.
- “Plantation.” “Plantation” means any land not less than one acre in extent planted with coffee, tea, cocoa, sugar, or coconuts, or with any plant or tree yielding rubber or gutta-percha in any form, or with any other plant or tree ordinarily cultivated for profit which the Resident-General may by notification in the *Gazette* direct to be included.
- “Produce.” “Produce” means the root, stem, bark, leaves, seed, fruit, latex, and any other part or product having a commercial value of any plants or trees of any of the kinds specified in the definition of “Plantation” or included by direction of the Resident-General in the list of plants or trees therein contained so long as the same has not been subjected to treatment to prepare it for the market as a commodity or to any process of manufacture.

3. Every person found loitering or lurking about a plantation shall, unless he can satisfy the Magistrate before whom he is brought that he was not so loitering or lurking for any unlawful purpose, be liable if so found between sunrise and sunset to a fine not exceeding ten dollars or to imprisonment for a term not exceeding one month, and if so found between sunset and sunrise to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months.

Loitering or  
lurking about  
a plantation.

4. Any person who purchases, takes in barter or exchange or receives from a subordinate or from any carter employed in carting produce from any plantation any produce shall, unless he can show that he has good reason to believe that such subordinate or carter had lawful authority to sell, barter, exchange, or give away such produce, be deemed guilty of an offence and shall be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment of either description for a term not exceeding six months.

Purchasing  
produce from a  
subordinate.

5. (i) Whoever has in his possession any produce which may be reasonably suspected to have been stolen from a plantation shall, if he fail to account satisfactorily for his possession of the same, be deemed guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred dollars or to imprisonment of either description for a term not exceeding twelve months.

Possession of  
produce  
reasonably  
suspected to  
have been stolen  
from a  
plantation.

(ii) If any person charged with having in his possession any produce stolen from a plantation shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for some other person, the Magistrate may cause every such other person and also, if necessary, any former purchaser or pretended purchaser or other person through whose possession the same shall be alleged to have passed within the jurisdiction of the Court to be brought before him and examined touching the same and may summon and examine any witnesses: and if it appears to the Magistrate that any person so brought before him had possession of such produce, knowing or having at the time reason to believe that the same had been stolen from a plantation, such person shall be liable to the same penalty as is provided in sub-section (i) hereof.

(iii) In this section "possession" includes possession in a house, building, vehicle, boat, or other place as well as in a street or public place.

#### SCHEDULE.

#### ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak.. ..	13 of 1898	The Prædial Produce Protection Enactment, 1898	The whole

State.	No. and year.	Short title.	Extent of repeal.
Selangor ..	17 of 1897	The Prædial Produce Protection Enactment, 1897	The whole
Negri Sembilan	14 of 1897	Do.	„
Pahang ..	23 of 1897	Do.	„
Selangor ..	14 of 1898	The Prædial Produce Protection Amendment Enactment, 1898	„
Negri Sembilan	21 of 1898	Do.	„
Pahang ..	15 of 1898	Do.	„
Perak.. ..	11 of 1907	The Prædial Produce Protection Enactment, 1898, Amendment Enactment, 1907	„
Selangor ..	6 of 1907	The Prædial Produce Protection Enactment, 1897, Amendment Enactment, 1907	„
Negri Sembilan	1 of 1907	Do.	„
Pahang ..	3 of 1907	Do.	„



## ENACTMENT NO. 1 OF 1911.

### An Enactment to Incorporate the Chief Secretary to Government.

JOHN ANDERSON,  
*President of the Federal Council.*

[19th January, 1911.  
1st February, 1911.]

WHEREAS by an Agreement signed and sealed in the month of July, 1895, the Rulers and Chiefs of Perak, Selangor, Pahang, and Negri Sembilan agreed to constitute their countries a Federation to be administered under the advice of the British Government and agreed further to accept a British Officer, to be styled the Resident-General, as the agent and representative of the British Government under the Governor of the Straits Settlements and undertook amongst other things to follow his advice in all matters of administration other than those touching the Muhammadan religion, but so that the appointment of the Resident-General should not affect the obligations of the said Rulers towards the British Residents then existing or to be thereafter appointed to offices in the above-mentioned States: And whereas by certain Enactments passed by their Highnesses the Sultans of Perak, Selangor, and Pahang, and by His Highness the Yang di Pertuan and Chiefs of Negri Sembilan in Council in and for their respective States it is among other things enacted that the British Officer appointed in pursuance of the above-mentioned agreement to be the Resident-General and his successors shall be a body corporate, and for the purposes of the said Enactments have the name of "the Resident-General" and shall and may have and use a corporate seal, and the said seal may from time to time break, change, alter, and make anew as to the said Corporation may seem fit; and the said Corporation is by the said Enactments empowered to sue and be sued, to enter into contracts, to acquire, purchase, take, hold, and enjoy movable and immovable property of every description, and to sell, convey, assign, surrender and yield up, mortgage, demise, reassign, transfer or otherwise dispose of any movable and immovable property vested in the said Corporation upon such terms as to the said Corporation may seem fit.

AND WHEREAS the Rulers of the States hereinbefore named, with the consent of the British Government, are minded that the British Officer appointed or hereafter to be appointed in pursuance of the agreement above referred to shall hereafter be styled "the Chief Secretary to Government" and not as heretofore "the Resident-General" but shall nevertheless possess and enjoy all and every one of the rights, privileges, and powers conferred, and exercise all and every one of the duties imposed, upon the Resident-General

by the agreement and Enactments hereinbefore referred to and by any law heretofore enacted by the Ruler or the Ruler and Chiefs of any of the above-mentioned States in Council or by the Rulers of the Federated Malay States in Council except in so far as such law shall have been or may hereafter be repealed by the Rulers of the Federated Malay States in Council, or by the Ruler or Ruler and Chiefs in Council of the State in and for which it was enacted.

Now therefore it is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and  
commence-  
ment.

1. This Enactment may be cited as “The Chief Secretary (Incorporation) Enactment, 1911,” and shall come into force upon the 1st day of February, 1911.

Repeal.

2. On the coming into force of this Enactment the Enactments specified in the schedule hereto shall be repealed in so far as the continued operation of the said Enactment is or might be inconsistent with the provisions of this Enactment or the operation thereof.

Incorporation  
of Chief  
Secretary to  
Government.

3. Sir Arthur Henderson Young, Knight Commander of the Most Distinguished Order of St. Michael and St. George, and his successors in the office of Chief Secretary to Government shall be a body corporate, and shall for the purposes of this Enactment have the name of “the Chief Secretary to Government” and by that name have perpetual succession and shall and may have and use a corporate seal, and the said seal may from time to time break, change, alter, and make anew as to the said Corporation may seem fit; and the said Corporation is hereby empowered to sue and be sued, to enter into contracts, to acquire, purchase, take, hold, and enjoy movable and immovable property of every description, and to sell, convey, assign, surrender and yield up, mortgage, demise, reassign, transfer or otherwise dispose of any movable and immovable property vested in the said Corporation upon such terms as to the said Corporation may seem fit.

Mode of  
sealing deeds.

4. All deeds, documents, and other instruments requiring the seal of the said Corporation shall be sealed with the seal of the said Corporation in the presence of the said Sir Arthur Henderson Young or in the presence of his successor for the time being in the office of Chief Secretary to Government, and shall also be signed by the said Sir Arthur Henderson Young or by his said successor, and such signing shall be, and shall be taken as, sufficient evidence of the due sealing of such deeds, documents, or other instruments.

Property to  
vest.

5. All property, movable and immovable, of whatever description which immediately before the commencement of this Enactment was vested in the Resident-General shall on such commencement vest in the Chief Secretary to Government, and all rights, powers, and authority belonging or attaching immediately before such commencement to the Resident-General or which would have thereafter accrued to the Resident-General by virtue of anything done before such commencement and all duties imposed upon the Resident-General shall belong, attach, accrue, or be deemed imposed upon the Chief Secretary to Government.

6. Wherever in any written law or document passed or made before the commencement of this Enactment the words "Resident-General" occurs such written law or document shall be read as if the words "Chief Secretary to Government" were from the commencement of this Enactment substituted for the words "Resident-General."

Written laws  
or documents.

7. All actions and proceedings commenced by or in the name of the Resident-General before the commencement of this Enactment may be continued, carried on, and completed after such commencement by or in the name of the Chief Secretary to Government.

Actions  
pending.

8. Until a new seal has been made for the use of the Chief Secretary to Government the seal in use at the commencement of this Enactment as the seal of the Resident-General may be used and shall if and so long as it is used after the commencement of this Enactment be deemed to be the seal of the Chief Secretary to Government.

Seal of Resident-  
General may be  
continued in  
use.

9. If at any time after the commencement of this Enactment the Chief Secretary to Government for the time being shall be absent from the Federated Malay States or shall otherwise be incapable of performing all or any of the duties or exercising any of the rights, powers, or authority belonging or attaching to the office of Chief Secretary to Government or shall have resigned or been removed from such office it shall be lawful for the High Commissioner with the approval of the British Government to appoint some other person to be his successor in the office of Chief Secretary to Government or to act temporarily for him in the said office, as the case may be, and a notification in the *Gazette* of such appointment shall be conclusive evidence for all purposes that such person was duly so appointed and it shall be lawful for any person so appointed to act in the office of Chief Secretary to Government to do and perform during the continuance of such appointment all or any of the things which may lawfully be done or performed by the Chief Secretary to Government and anything so done or performed shall be deemed to have been done or performed by the Chief Secretary to Government.

Appointment of  
successors and  
of acting  
officers.

## SCHEDULE.

State.	No. and year.	Short title.
Perak.. ..	18 of 1898	Resident-General's (Incorporation) Enactment, 1898
Selangor ..	19 of 1898	Do.
Negri Sembilan	15 of 1898	Do.
Pahang ..	4 of 1899	Resident-General's (Incorporation) Enactment, 1899

## ENACTMENT NO. 5 OF 1911.

An Enactment to secure in certain cases the right of property in Telegraphic Press Messages.

ARTHUR YOUNG, [11th November, 1911.  
*President of the Federal Council.* 15th November, 1911.]

Preamble.

WHEREAS it is expedient to secure in certain cases the right of property in telegraphic Press messages :

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title.

1. This Enactment may be cited as “The Telegram Copyright Enactment, 1911,” and shall come into force upon publication in the *Gazette*.

Exclusive right of person receiving a news telegram to publish the same.

2. When any person in the manner hereinafter mentioned publishes in any newspaper or other printed paper published and circulated in the Federated Malay States any message sent by electric telegraph from any place outside the Federated Malay States lawfully received by such person no other person shall, without the consent in writing of such first-mentioned person or his agent thereto lawfully authorized, print or publish or cause to be printed or published such telegram or the substance thereof or any extract therefrom until after a period of forty-eight hours from the time of first publication : provided that such period shall not extend beyond sixty hours from the time of the receipt of such message exclusive of Sundays and public and bank holidays, and the publication of the whole or any part of such telegram or of the substance thereof (excepting the publication of any similar message in like manner sent) of the intelligence therein contained or any comment upon or any reference to such intelligence shall be deemed to be a publication of the same.

Penalty for unlawful publishing.

3. If any person wilfully print and publish or cause to be printed and published any matter contrary to the provisions of this Enactment he shall be guilty of an offence and liable on conviction for a first offence to a fine not exceeding one hundred dollars and for any subsequent offence to a fine not exceeding two hundred dollars.

Protected message, how to be printed.

4. Telegraphic messages published under the protection of this Enactment shall be printed under the heading “Copyright telegram” and shall state the day and hour of their receipt and such statement shall be *prima facie* evidence of the time of the receipt of such messages.

5. (i) During the period of forty-eight hours hereinbefore mentioned no intelligence protected by this Enactment shall be transmitted by electric telegraph to any person outside the Federated Malay States by or on behalf of any person other than the person who under the provisions of this Enactment is entitled to the exclusive use of such intelligence.

Protected  
messages.  
Restrictions  
on transmis-  
sion abroad.

(ii) Any person acting in contravention of this section shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred dollars for a first offence and to a fine not exceeding two hundred dollars for any subsequent offence.

Penalty.

6. In any prosecution under this Enactment the production of any document which purports to be a telegraphic message from some place outside the Federated Malay States and which contains the intelligence published as aforesaid and which is addressed to and has been delivered to the publisher or to some person on his behalf by the Government Telegraph Department or a Telegraph Company shall be *prima facie* evidence that the message published as hereinbefore described in such newspaper or other printed paper is a message within the meaning of this Enactment, and proof that any person is owner or is or is acting or appears to be acting as editor or manager of any newspaper in which there has been any publication contrary to the provisions of this Enactment shall be *prima facie* evidence that such person has wilfully caused such unlawful publication.

Evidence of  
publication.

7. Nothing in this Enactment shall extend to any document published by the Government Printer or to the report of any proceedings in the Federal Council.

Limitation of  
Enactment.

## ENACTMENT NO. 8 OF 1911.

An Enactment to provide for the registration of marriages contracted in the Federated Malay States by persons other than persons professing the Christian or the Muhammadan religion.

E. L. BROCKMAN,  
*President of the Federal Council.*

[8th November, 1911.  
1st January, 1912.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and  
commence-  
ment.

1. This Enactment may be cited as “The Marriage Registration Enactment, 1911,” and shall come into force on the 1st day of January, 1912.

Appointment  
of Registrars.

2. In each State the Resident may appoint one or more persons to be Registrars of Marriages under this Enactment either for the State or for any specified district in the State or for any specified sect or nationality, together with such other officers as the Resident may from time to time deem necessary for the purposes of this Enactment.

Register and  
Registrar's  
note-book to  
be kept.

3. Every Registrar appointed under this Enactment shall keep a register in the form in Schedule A, and shall enter therein full particulars of all marriages registered by him and shall also keep a book to be called the Registrar's note-book in which he shall record in his own hand all proceedings in respect of the registration of any marriage and all evidence taken by him in any such proceeding or in any enquiry under this Enactment.

Preliminaries  
necessary to  
registration.

4. The particulars of any marriage contracted in the Federated Malay States, other than a marriage one of the parties to which was at the time of such marriage a Christian or a Muhammadan, may be entered in a register kept under the preceding section on payment to the Registrar of the prescribed fees and on compliance with the following conditions, namely, that the parties to such marriage, and if either party is under the age of eighteen years then also the parents or at least one of the parents or if neither of the parents is living then the natural guardian of such party to the marriage, shall have appeared before the Registrar together with such witnesses as the Registrar may think necessary and shall have filled in and subscribed in his presence a declaration in the form in Schedule B and have answered such questions as the Registrar may think necessary to put to them for the purpose of explaining or substantiating the statements made in the declaration.

Parties and  
witnesses bound  
to speak the  
truth.

5. (i) Every declaration made under the preceding section shall be sworn or affirmed in such manner as the Registrar shall think proper by all persons who subscribe the same, and shall be deemed

to be for all purposes a statutory declaration, and every person who subscribes such declaration shall be bound to state the truth therein, and every person who gives evidence before the Registrar shall also be bound to answer truthfully all questions put to him by the Registrar under the last preceding section.

(ii) Any person who wilfully makes a false statement in any such declaration or who gives any evidence in any enquiry under this Enactment which he knows to be untrue, or who does any other act, which if done in a judicial proceeding would be punishable under Chapter XI of the Penal Code, shall be punishable on conviction as provided in that chapter in the same way as if the act had been done in or in relation to a judicial proceeding.

6. For the purposes of this Enactment every Registrar appointed under this Enactment shall have all the powers of a Magistrate of the First Class for the summoning and examination of witnesses and the administration of oaths and affirmations.

Powers of Registrar.

7. (i) If the Registrar is not satisfied of the truth of the statements contained in any declaration or requires further evidence with regard to any particulars required to be registered he may refuse or postpone registration of the marriage until he is so satisfied and may call for any further evidence that he thinks necessary.

Refusal of registration.

(ii) If the Registrar has reason to believe on the evidence of any person that one of the parties to the marriage, or alleged marriage, is a Christian or a Muhammadan he shall refuse to register the marriage.

(iii) If the Registrar has reason to believe on the evidence of any person that a marriage between the parties is prohibited by the institutions of the religion professed by either party or if both profess the same religion by the institutions of that religion he shall refuse to register the marriage.

(iv) In any case in which the parties profess different religions the Registrar may, if he thinks proper, refuse to register the marriage.

(v) There shall be no appeal from the refusal of a Registrar to register a marriage, but such refusal shall not debar another Registrar from registering the marriage nor debar the same Registrar from registering it if subsequently satisfied that the grounds of his objection to register either did not exist or have since been removed.

8. Neither the registration of nor the omission to register any marriage shall affect the validity of the marriage nor shall any error in the particulars recorded nor any omission to record any particular which ought to have been recorded affect the validity of the registration of the marriage.

Validity of a marriage not affected by registration or non-registration.

9. An extract from any register certified by the Registrar under his hand to be a true extract from the register shall be admissible in all Courts as evidence that a marriage was contracted between the parties therein named and at the place and time therein specified and in the presence of the persons therein stated to have been present thereat but not of the validity of such marriage; but the Court may in the absence of evidence to the contrary presume any marriage registered under this Enactment to have been valid and the onus of

Certificate of Registrar admissible as evidence of marriage, but not of its validity.

Court may presume validity of registered marriage.

proving that there was no such valid marriage shall be on the person who asks the Court to believe that there was no such valid marriage.

Offences and  
penalties.

**10.** (i) Any person who induces any woman or female child to appear with him or with some other person before a Registrar and to declare or acknowledge that she is married to him or to such other person shall if he knows at the time that she is not so lawfully married according to the institutions of the religion she professes, or if she is under the age of eighteen years of the religion professed by her parents or natural guardians, or knows or has reason to believe that such woman or female child has a husband living from whom she has not been lawfully divorced according to the institutions of the religion professed by her at the time of such former marriage, or if she was then under the age of eighteen years of the religion professed by her parents or natural guardians, be liable on conviction to imprisonment which may extend to seven years.

(iii) Any male person, who having a wife living and being debarred according to the institutions of the religion he professes or which he professed at the time of his marriage to such wife from having more than one wife at a time, procures or attempts to procure the registration under this Enactment of a marriage between himself and any other woman or female child shall, subject to the exceptions contained in Section 494 of the Penal Code, be liable to the same penalty as if he had committed an offence punishable under that section.

(iii) Whoever fraudulently alters any entry in any register kept or any certified extract given under this Enactment shall be punishable with the penalty provided in Section 466 of the Penal Code for offences punishable under that section.

Registrars to be  
public servants.

**11.** Every Registrar appointed under this Enactment shall be deemed to be a public servant within the meaning of the Penal Code.

Rules.

**12.** The Resident in each State, with the approval of the Chief Secretary to Government, may from time to time make rules

- (a) prescribing the fees to be charged under this Enactment ;
- (b) prescribing the manner in which the Registrars shall exercise the powers conferred on them by this Enactment and the place or places in which enquiries for the purpose of this Enactment shall be held ;
- (c) providing for the safe custody of all registers and Registrar's Note-books kept under this Enactment and all declarations made for the purposes of this Enactment ;
- (d) generally for carrying out the purposes of this Enactment.

#### SCHEDULE A.

#### REGISTER OF MARRIAGES (ENACTMENT 8 OF 1911).

Folio No.

Date of registration

Name in full and residence of husband

Age of husband at date of marriage



Birth-place of husband

Name of husband's father

Religion professed by husband

Name in full of wife

Age of wife at date of marriage

Birth-place of wife

Name of wife's father

Religion professed by wife

Place at which the marriage was contracted

Date on which the marriage was contracted

Nature of religious ceremony, if any

Whether husband has any other wife living and, if so, names and residences of all such wives

Names and residences of persons stated to have been present at the marriage

Names and residences of witnesses examined by the Registrar or who signed the declaration for registration of the marriage

.....

*Signature of Registrar.*

#### SCHEDULE B.

#### DECLARATION FOR REGISTRATION OF MARRIAGE (ENACTMENT 8 OF 1911).

We, the undersigned, do solemnly and sincerely declare that a marriage has to our knowledge been contracted between (husband) son of \_\_\_\_\_, and (wife) daughter of \_\_\_\_\_, at \_\_\_\_\_ in the State of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_, and that we were present when the said marriage was contracted (or celebrated) in accordance with the institutions of the \_\_\_\_\_ religion and that we believe that there was at the time of such marriage no lawful impediment thereto and that the same is a lawful marriage according to the institutions of the religion professed by the parties thereto.

And we make this solemn declaration conscientiously believing the same to be true and to the intent that the said marriage may be registered under the provisions of "The Marriage Registration Enactment, 1911."

Subscribed and solemnly declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_ (husband), \_\_\_\_\_ (wife), \_\_\_\_\_ parent (or guardian) of husband, \_\_\_\_\_ parent (or guardian) of wife, witnesses to marriage.

Interpreted by me and signed }  
in my presence

Before me

.....

*Interpreter.*

.....

*Registrar of Marriages.*

## ENACTMENT NO. 9 OF 1911.

As amended by Fed. E. 16 of 1914.

### An Enactment for the protection of certain kinds of Wild Animals and Birds.

E. L. BROCKMAN, [8th November, 1911.  
*President of the Federal Council.* 1st January, 1912.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and  
commence-  
ment.

1. (i) This Enactment may be cited as “The Wild Animals and Birds Protection Enactment, 1911,” and shall come into force in each State on such date as the Resident, with the approval of the Chief Secretary to Government, shall by notification in the *Gazette* appoint.

Repeal.

(ii) Upon the coming into force of the Enactment in any State such of the Enactments mentioned in the first schedule as are in force in such State shall be repealed to the extent specified in the fourth column of that schedule : provided that any reserve for the preservation of animals and birds declared under any of the Enactments so repealed shall be deemed to have been so declared under this Enactment.

Interpretation.

2. In this Enactment unless the context otherwise requires—

“Big game” means any animal of any of the kinds for the time being included in the second schedule ;

“Deer” means any animal of any of the kinds included for the time being in the third schedule ;

“Game,” if used without the adjective “big,” means any bird of any of the kinds for the time being included in the fourth schedule ;

“Common bird” means any bird of any of the kinds for the time being included in the fifth or the sixth schedule ;

“Rare bird” means a bird of any kind found wild within the Federated Malay States other than a bird of one of the kinds for the time being included in either the fourth, fifth, or sixth schedule ;

“To shoot” includes to shoot at with any gun or blowpipe ;

“To kill” includes to attempt to kill ;

“To take” means to snare, net, or capture by means of any contrivance ;

“The State” means the State in which any power conferred, duty imposed, or act authorized or prohibited to be done by the Section in which these words occur is or is to be exercised, performed, done, or not done, as the case may be, and “the Resident” means the Resident of such State.

## 3. Except as otherwise in this Enactment provided

- |   |   |
|---|---|
| (a) any person other than a person duly licensed in that behalf under this Enactment who shoots, kills, or takes any big game, and any person licensed under this Enactment who shoots, kills, or takes any big game otherwise than in accordance with the terms of his license, and any person who procures or instigates any person not duly licensed in that behalf under this Enactment to shoot, kill, or take any big game or abets the shooting, killing, or taking of any big game by such unlicensed person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred dollars ;                                       | Offences in respect of :<br>Big game generally. |
| (b) any person who shoots or kills any female elephant shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred dollars ;   | Female elephants.                               |
| (c) any person who shoots or kills any immature big game shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred dollars ;  | Immature big game.                              |
| (d) any person who takes or procures or instigates any other person to take any deer or abets such taking shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred dollars ;   | Deer generally.                                 |
| (e) any person who shoots or kills any female sambur deer or any immature deer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred dollars ;  | Female and immature deer.                       |
| (f) any person other than a person duly licensed in that behalf under this Enactment who shoots or kills any game, and any person licensed under this Enactment who shoots or kills any game otherwise than in accordance with the terms of his license, and any person who procures or instigates any other person not duly licensed in that behalf to shoot or kill any game, and any person who takes or procures or instigates any other person to take any game, and any person who abets any of these acts shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five dollars in respect of each bird so shot, killed, or taken ; | Game.   |
| (g) any person other than a person duly licensed in that behalf under this Enactment who shoots, kills, or takes any rare bird, and any person licensed under this Enactment who shoots, kills, or takes any rare bird otherwise than in accordance with the terms of his license, and any person who procures or instigates any other person not duly licensed in that behalf to shoot, kill, or take any rare bird, and any person who abets any of these acts shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five dollars in respect of each bird so shot, killed, or taken.  | Rare birds.                                     |
| (h) any person who takes, removes, injures, or destroys any nest or egg of any rare bird or abets such act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty dollars ;  | E. 16 of 1914.                                  |

- (i) *any person who sells or offers for sale or has in his possession any nest or egg, taken in the Federated Malay States after the 1st day of January, 1915, of any rare bird or abets such act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty dollars ;*
- (j) *any person who exports or attempts to export from the Federated Malay States the skin or plumage of any rare bird shot, killed, or taken in the Federated Malay States after the 1st day of January, 1915, or the nest or egg of any rare bird taken in the Federated Malay States after the 1st day of January, 1915, or abets such act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty dollars.*

Orders to be  
made by the  
Chief Secretary  
to Government.

4. (i) The Chief Secretary to Government may from time to time by order

- (a) prescribe standards for determining when big game or deer shall be deemed immature for the purposes of this Enactment ;
- (b) add to, or remove from, the second and third schedules, respectively, the name of any kind of animal ;
- (c) add to, or remove from, the fourth, fifth, and sixth schedules, respectively, the name of any kind of bird.

(ii) Every such order shall be published in the *Gazette*, with a notification stating the date from which it is to come into force, and shall from the date so specified have the force of law until cancelled by the Chief Secretary to Government by order to that effect published in the *Gazette*.

#### RESERVES.

Reserves.

5. (i) In each State the Ruler of the State in Council may from time to time declare specified areas in the State to be reserved for the preservation of animals and birds, and within such areas it shall not be lawful for any person without the written permission of the Ruler of the State to shoot, kill, or take any animal or bird.

(ii) Any person acting in contravention of this section shall on conviction be liable to a fine not exceeding five hundred dollars.

#### PROHIBITIONS, CLOSE SEASONS, AND BREEDING SEASONS.

Prohibitions.

6. In each State the Resident may, with the approval of the Chief Secretary to Government, by order prohibit absolutely throughout the State or within any specified area therein the shooting, killing, or taking of any kind of animal or bird specified in such order.

Any person who shoots, kills, or takes any animal or bird in contravention of such order shall be liable on conviction to a fine not exceeding five hundred dollars for each animal or one hundred dollars for each bird so shot, killed, or taken.

Close seasons.

7. In each State the Resident, with the approval of the Chief Secretary to Government, may by order declare close seasons for

all or any kind of deer and for any kind of game or any bird included for the time being in the fifth schedule : provided that such close seasons shall not in the case of any deer or bird exceed six months in any year.

Any person who shoots, kills, or takes any deer during the close season declared for such kind of deer or abets such shooting, killing, or taking shall be liable on conviction to a fine not exceeding one hundred dollars.

Any person who shoots or kills any bird during the close season declared for such kind of bird, or abets such shooting or killing, shall be liable on conviction to a fine not exceeding five dollars for each bird so shot or killed ; and any person who takes or abets the taking of any bird, or takes, destroys, or has in his possession the eggs of any bird during such close season shall be liable on conviction to a fine not exceeding twenty-five dollars.

*Any person who purchases or exports or attempts to export from the Federated Malay States any bird or part of any bird shot, killed, or taken in the Federated Malay States during such close season or who sells, offers for sale, purchases, or exports or attempts to export from the Federated Malay States the egg of any bird taken in the Federated Malay States during such close season or abets such act shall be liable on conviction to a fine not exceeding fifty dollars.* E. 16 of 1914.

8. In each State the Resident may, with the approval of the Chief Secretary to Government, by order declare what period shall be deemed the breeding season of any kind of rare bird. Breeding seasons.

Any person who shall take any rare bird during the period so declared to be the breeding season of such kind of bird shall be liable to a fine not exceeding twenty-five dollars.

9. Every order made by a Resident under Sections 6, 7, or 8 shall be published in the *Gazette*, with a notification stating the date from which it is to come into force, which date shall not be less than one month from the date of such publication, and shall from the date so specified have the force of law until cancelled by the Resident, with the approval of the Chief Secretary to Government, by order to that effect published in the *Gazette*. Publication of orders.

#### SELLING OR OFFERING FOR SALE.

10. (i) Any person who shall sell or offer for sale or have in his possession any big game, deer, or bird whether alive or dead or any part thereof, if such animal or bird has been unlawfully shot, killed, or taken, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty dollars ; and the head, carcass, feet, skin, tusks, and horns of such animal and the plumage of such bird shall be liable to forfeiture by order of the Magistrate. Selling or offering for sale animals or birds unlawfully shot, killed, or taken.

(ii) In any prosecution under this section the burden of proof that such animal or bird was lawfully shot, killed, or taken shall be on the defendant. Burden of proof.

#### SPRING GUNS, ETC.

11. (i) Any person who shall set, place, or prepare or cause to be set, placed, or prepared any spring gun or engine, any sharpened Setting spring guns, etc.

stakes, any pitfall furnished with sharpened stakes or other contrivance likely to endanger human life or to cause grievous bodily harm to any person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty dollars.

Proviso.

Provided always that no person shall be punishable under this section for setting or placing a spring gun or other contrivance for the purpose of destroying a tiger, bear, leopard, panther, or wild pig if he can show that he had previously obtained permission to set or place such spring gun or other contrivance from the District Officer, the police officer in charge of the police district, or the penguulu or other chief district headman.

Liability for causing injury not affected.

(ii) Nothing in this section shall be held to relieve any person from any civil or criminal liability which would have attached to him if this Enactment had not been passed: provided that no person shall be punished twice for the same offence.

#### GENERAL EXCEPTIONS.

Acts of Rulers.

12. Nothing in this Enactment shall be deemed to apply to  
(a) any act done by the Ruler of any of the Federated Malay States, the High Commissioner, the Chief Secretary to Government, or the Resident of a State;

Acts done in the interest of science.

(b) any act done in the furtherance of the interests of science by any servant of the Government holding the written authority of the Resident of the State in such behalf;

Acts of persons specially exempted.

(c) any act done in contravention of any of the provisions of this Enactment by any person or by any one of a class of persons specially exempted from such provision by the Resident of a State, with the approval of the Chief Secretary to Government, by order published in the *Gazette* either generally or within any specified area;

Acts in relation to animals and birds in captivity.

(d) any act done to a wild animal or bird which has been tamed or domesticated or which has been kept in captivity or as a pet by or with the consent of the owner of such animal or bird.

Act done in defence of life or property.

13. Nothing in this Enactment shall be deemed to render it unlawful

(a) for any person in defence of himself or of some other person, or in defence of the property of himself or of some other person to shoot or kill any animal;

(b) for the lawful occupier of any cultivated land to shoot or kill any animal or bird found damaging or destroying the crops growing thereon.

Exception regarding deer or game taken for food.

14. No native of the Malay Peninsula who shall take any deer (other than a female sambar deer or an immature deer) or any game shall be punished under Section 3 if he can show that such deer or game was taken in order to serve as food for himself or his family.

Acts done by mistake.

15. No person shall be punished under this Enactment for any act which he can satisfy the Magistrate before whom he is tried was done under a *bonâ fide* mistake of fact.

## LICENSES.

16. (i) Licenses to shoot, kill, or take big game in any State shall be issued only by the Resident, and it shall be in the absolute discretion of the Resident to grant or refuse a license to any applicant. Big game  
licenses.

(ii) Such licenses shall be substantially in the form I in the seventh schedule or in such other form as may be prescribed under Section 26 to be used in lieu thereof, and there shall be payable in respect of every such license such fee as shall from time to time be prescribed by rule under Section 25.

(iii) No such license shall be for a longer period than six months ; but the Resident may in his discretion, on the determination of any license, grant a further license to the same person.

(iv) If the holder of a license issued under this section shall, on the expiration of the term for which such license was granted, certify in writing to the satisfaction of the Resident that he has not during the term of such license shot, killed, or taken within the State the full number of big game allowed under such license to be shot, killed, or taken, it shall be lawful for the Resident, if he shall think fit, to issue a further license to such person free of charge.

(v) If the holder of a license issued under this section shall, on the expiration of the term for which such license was granted, certify in writing to the satisfaction of the Resident that he has not shot, killed, or taken any big game during the term of such license, it shall be lawful for the Resident, if he shall think fit, to direct that the fee paid for such license be refunded to such licensee.

17. (i) Licenses to shoot, kill, or take rare birds in any State shall be issued only by the Resident, and it shall be in the absolute discretion of the Resident to grant or refuse a license to any applicant. Rare bird  
licenses.

(ii) Such licenses shall be substantially in the form II in the seventh schedule or in such other form as may be prescribed under Section 26 to be used in lieu thereof, and there shall be payable in respect of every such license such fee as shall from time to time be prescribed by rule under Section 25.

(iii) No such license shall be for a longer period than six months, but, on the determination of any license, the Resident may in his discretion grant a further license to the same person.

(iv) In any case in which the Resident is satisfied that the applicant for a license intends to use such license solely in the interest of science he may grant a license at a reduced fee.

18. (i) The Resident may require any person applying for a license to shoot, kill, or take big game or rare birds in the State to deposit in the State Treasury, before receiving such license, a sum not exceeding five hundred dollars ; and if any person who has made such a deposit shall commit any breach of the terms of the license issued to him or of any of the provisions of this Enactment, the whole of such deposit, or such part thereof as the Resident Deposits.

may direct, may by order of the Resident be forfeited to the State without prejudice to any penalty to which such person may otherwise be liable.

(ii) So much of any such deposit as shall not have been forfeited as above provided shall, at the end of one month after the expiration or other determination of the license, be refunded to the depositor on his application.

Sanction of Resident required for use of license granted in another State.

19. No license to shoot, kill, or take big game or rare birds shall be transferable from one person to another, but any such license issued in one State may be transferred to another State either for a fixed period or for the remainder of the term for which it was issued with the sanction in writing of the Resident of the State to which it is transferred, and shall in such case be deemed within such other State for all purposes to be a license issued by the Resident of such other State.

Returns of big game and rare birds shot in the State.

20. (i) Every person to whom a license to shoot, kill, or take big game or rare birds has been granted who shall have shot, killed, or taken any big game or rare birds within any State shall, before he leaves such State or on the expiration or other determination of his license, whichever is the earlier date, furnish the Resident with a return showing the number and description of big game or rare birds shot, killed, or taken by him within the State.

(ii) Such return shall in the case of big game show the date on which and the place at which each head of big game was shot, killed, or taken.

(iii) If any person fails without reasonable excuse to comply with the provisions of this section he shall be liable on conviction to a fine not exceeding fifty dollars, and no license to shoot, kill, or take big game or rare birds, as the case may be, shall thereafter be issued to him.

Game licenses.

21. (i) Licenses to shoot or kill game shall be substantially in the form III in the seventh schedule or in such other form as may be prescribed under Section 26 to be used in lieu thereof, and may be obtained on application made verbally or in writing to the Chief Police Officer of any State or to the officer in charge of any police district and payment of the prescribed fee: provided that any license signed by a police officer below the rank of Inspector shall not be valid until the same has been countersigned by a District Officer, and licenses shall not be issued in any district except to a person who is for the time being residing in such district.

(ii) There shall be payable in respect of every such license such fee as shall from time to time be prescribed by rule made under Section 25.

(iii) No such license shall remain in force for a longer period than one year, and every such license shall expire on the 31st day of December following the date of issue.

(iv) Every such license shall, unless it be otherwise expressly stated therein, be valid throughout the Federated Malay States.

(v) No such license shall be transferable.



22. Any person who, contrary to the provisions of Sections 19 or 21, transfers his license to any other person, and any person who accepts such transfer, shall be liable on conviction to a fine not exceeding fifty dollars. Penalty for transferring license.

23. The Resident of any State may at any time by order under his hand cancel any license issued by him or used in the State under this Enactment. Power to cancel licenses.

24. Any person in possession of a license which has expired or which has been cancelled shall surrender the same on demand to any Government officer, and if he fails without reasonable excuse to do so shall be liable on conviction to a fine not exceeding twenty-five dollars. Cancelled and expired licenses to be given up.

25. (i) The Chief Secretary to Government, after consultation with the Residents, may from time to time by rules published in the *Gazette* Rules.

(a) prescribe the fees to be payable in respect of game licenses throughout the Federated Malay States ;

(b) prescribe the fees to be payable in respect of rare bird licenses either generally throughout the Federated Malay States or specially for each State or for particular areas within any State ;

(c) prescribe the fees to be payable in respect of big game licenses either generally throughout the Federated Malay States or specially for each State or for particular areas within any State.

(ii) The fees payable in respect of game licenses shall be the same throughout the Federated Malay States and for all such licenses. The fees payable in respect of rare bird licenses may vary according to the period for which the license is granted and the object for which the license is sought. The fees for big game licenses may vary according to the period for which the license is granted, the number and species of animals permitted to be shot, killed, or taken thereunder, and the class of applicant, but shall in no case be less than twenty-five dollars.

26. The Chief Secretary to Government may from time to time prescribe forms of license to be used in lieu of the forms given in the seventh schedule either generally or in particular cases. Forms.

#### CAPTURE OF ELEPHANTS.

27. In any State the Resident may by written permit authorize, subject to such conditions as to time, place, payment of fees, or otherwise as may be stated in such permit, the capture of elephants by means of enclosures arranged for that purpose. Permits.

#### ARREST WITHOUT WARRANT.

28. Any police officer, penghulu, or forest officer may arrest without warrant any person found offending against any of the provisions of this Enactment whose name or place of abode is unknown to him, and such offender may be detained at a police station until his name and place of abode has been ascertained or Arrest without warrant.

may be forthwith conveyed before a Magistrate to be dealt with according to law.

#### PAYMENTS TO INFORMERS OUT OF FINES.

Payments to  
informers.

29. The Court before which any conviction under this Enactment is had may direct that any sum not exceeding one half of any fine actually received shall be paid to the informer.

#### FIRST SCHEDULE. ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak.. ..	15 of 1904	The Wild Animals and Birds Protection Enactment, 1904	The whole
Selangor ..	14 of 1904	Do.	„
Negri Sembilan	15 of 1904	Do.	„
Perak.. ..	4 of 1908	The Wild Animals and Birds Protection Enactment, Amendment Enactment, 1908	„
Selangor ..	5 of 1908	Do.	„
Negri Sembilan	5 of 1908	Do.	„
Pahang (Regulation)	IV of 1896	Products of State Lands	So much as has not already been repealed

#### SECOND SCHEDULE.

(Big game.)

Elephant ( <i>Elephas maximus</i> ) ..	Gajah
Gaur ( <i>Bos gaurus</i> ) .. ..	Seladang
Banteng ( <i>Bos sondaicus</i> ) ..	Sapi hutan or lembu hutan
Javan rhinoceros ( <i>Rhinoceros sondaicus</i> ) .. ..	Badak raya, badak gajah, or badak sumbu
Sumatran rhinoceros ( <i>Rhinoceros sumatrensis</i> ) .. ..	Badak kerbau or badak himpit
Tapir ( <i>Tapirus indicus</i> ) ..	Badak tampong, badak terenok, tenok or kipan

#### THIRD SCHEDULE.

(Deer.)

Sambur deer ( <i>Cervus unicolor</i> )	Rusa
Barking deer ( <i>Cervulus muntjac</i> )	Kijang or menjangan
Serau ( <i>Nemorrhædus swettenhami</i> ) .. ..	Kambing grun, kambing hutan, kambing burun, kambing gunung, kambing gua, or kambing bukit

## FOURTH SCHEDULE.

## (Game.)

Pea-fowl ( <i>Pavo muticus</i> ) ..	Merak
Argus pheasant ( <i>Argusianus argus</i> ) .. .. .	Kuau, kuang raya, or kuang rimba
Mountain argus pheasant ( <i>Rheinwardtius nigrescens</i> )..	Kuau kepala puteh
Peacock pheasant ( <i>Polyplectron bicalcaratum</i> ) .. ..	Kuau chermin, kuang ranggas, kuang bulan, kuang ranting, kuang pongsu, or merak pongsu
Mountain peacock pheasant ( <i>Polyplectron inopinatus</i> ) ..	Kuang gunong
Fireback pheasant ( <i>Lophura rufa</i> ) .. .. .	Ayam pegar
Rufous-tailed fireback ( <i>Aecomus erythrophthalmus</i> ) .. ..	Kuang bertam or merak mata
Jungle-fowl ( <i>Gallus ferrugineus</i> )	Ayam hutan, ayam denak, or ayam borga
Long-billed partridge ( <i>Rhizothera longirostris</i> ) .. ..	Selanting
Black partridge ( <i>Melanoperdix nigra</i> ) .. .. .	Burong bertam
Red-legged hill partridge ( <i>Arboricola charltoni</i> ) .. ..	Sang-serok
Campbell's hill partridge ( <i>Arboricola campbelli</i> ) .. ..	Sang-serok bukit
Ferrugineous wood partridge ( <i>Caloperdix oculea</i> ) .. ..	Sang-serok rimba
Bustard quail ( <i>Turnix pagnax</i> )	Puyoh
Blue-breasted quail ( <i>Excalfactoria chinensis</i> ) .. ..	Pikau
Crested wood-quail ( <i>Rollulus roul-roul</i> ) .. .. .	Siul, chichit, or chiap-chiap
Water-cock ( <i>Gallicrex cinerea</i> )	Ayam-ayam
Water-rail ( <i>Hypotaenidia striata</i> )	Sintar
Whistling teal ( <i>Dendrocygna javanica</i> ) .. .. .	Belibis
Cotton teal ( <i>Nettopus coromandelianus</i> ) .. .. .	Itek ayer
White-winged wood-duck ( <i>Asarcornis scutulatus</i> ) .. ..	Itek angsa
Imperial pigeon ( <i>Carpophaga</i> , all species) .. .. .	Pergam
Pied fruit-pigeon ( <i>Myristicivora bicolor</i> ) .. .. .	Rawa
Green pigeon (all species of the genera <i>Butorion</i> , <i>Treron</i> , <i>Osmotreron</i> <i>Sphenocercus</i> and <i>Ptilinopus</i> ) .. .. .	Punai (except punai tanah), berkok, lengguak

Long-tailed chestnut dove ( <i>Macropygia</i> , all species)	..	..	Tekukor api, tekukor gunong
Hornbills, all species ( <i>Bucerotidæ</i> )	..	..	Enggang, burong tebang mentua, burong lilin, or lang ling
Painted snipe ( <i>Rhynchæa bengalensis</i> )	..	..	Meragi
Pin-tailed snipe ( <i>Gallinago stenura</i> )	..	..	Berkek
European snipe ( <i>Gallinago cœlestis</i> )	..	..	

## FIFTH SCHEDULE.

(Common birds for which a close season may be declared under Section 7.)

Bronze-winged dove ( <i>Chalcophaps indica</i> )	..	..	Punai tanah, lembok, or pua dekut
Little Malay ground-dove ( <i>Geopelia striata</i> )	..	..	Tekukor or balam
Malay turtle-dove ( <i>Turtur tigrinus</i> )	..	..	Merbok, ketitir, or tekukor jerun
Yellow-crowned bulbul ( <i>Trachycomus oehrocephalus</i> )	..	..	Barau-barau
Red-vented bulbul ( <i>Otocompsa emeria</i> )	..	..	Murai telinga merah
Mynah ( <i>Gracula javanensis</i> or <i>intermedia</i> )	..	..	Tiong mas
Parroquet ( <i>Palæornis longicauda</i> )	..	..	Bayan
Love-bird ( <i>Loriculus galgulus</i> )	..	..	Serindit

All kinds of migratory birds commonly found in, but not habitual denizens of, the Malay Peninsula and not included in any other schedule.

All plovers and waders (*Charadriformes*), other than those included in the fourth schedule.

## SIXTH SCHEDULE.

(Other common birds.)

Eagles, kites, hawks, falcons, and buzzards (all kinds)	..	..	Lang (except lang ling) Sewah (except sewah tekukor)
Vultures (all kinds)	..	..	
			Reng, nokreng, uring, and anak uring
Jungle crows ( <i>Corvus macro-rhynchus</i> )	..	..	Gagak
Night-jars ( <i>Caprimulgus macrurus</i> and <i>jotaka</i> and <i>Lyncornis temmincki</i> )	..	..	Segan, sesegan, and burong malas
Sparrows (all kinds)	..	..	Chiak, pipit, jelatek, and belatek

## SEVENTH SCHEDULE.

## I.—BIG GAME LICENSE.

STATE OF —.

*Big Game License (not transferable).*

“The Wild Animals and Birds Protection Enactment, 1911.”

Permission is hereby granted to                      of                      to shoot, kill, or take within the State of                      big game of the species and to the number of heads hereinunder specified, subject to the provisions of “The Wild Animals and Birds Protection Enactment, 1911,” and any rules or orders for the time being in force thereunder :

Species of big game.

No. of heads.

This license does not authorize the shooting, killing, or taking of any female elephant or of any immature big game.

This license expires as soon as big game to the number, and of the species above specified, has been killed or taken and in any case on the                      day of                      19 .

Fee paid \$

This license is issued subject to the following special conditions :

Dated this                      day of                      19 .

.....  
*British Resident.*

## II.—RARE BIRD LICENSE.

STATE OF —.

*Rare Bird License (not transferable).*

“The Wild Animals and Birds Protection Enactment, 1911.”

Permission is hereby granted to                      of                      to shoot, kill, or take within the State of                      rare birds, subject to the provisions of “The Wild Animals and Birds Protection Enactment, 1911,” and any rules or orders for the time being in force thereunder and to the following special conditions :

This license expires on the                      day of                      19 .

Fee paid, \$

Dated this                      day of                      19 .

.....  
*British Resident.*

## III.—GAME LICENSE.

FEDERATED MALAY STATES.

*Game License (not transferable).*

“The Wild Animals and Birds Protection Enactment, 1911.”

Permission is hereby granted to            of            to shoot or kill game (other than big game), subject to the provisions of “The Wild Animals and Birds Protection Enactment, 1911,” and of any rules or orders made thereunder with regard to close seasons or other matters.

This license expires on the            day of            19    and may be cancelled at any time by order of the Resident of any State within which it has been used, and must when so expired or cancelled be given up on demand to any Government officer.

Fee received, \$

Issued at            this            day of            19    by me

.....  
*of Police.*

## ENACTMENT NO. 10 OF 1911.

As amended by Fed. E. 15 of 1912.

### An Enactment to regulate the importation, sale, and use of certain Deleterious Drugs.

ARTHUR YOUNG, [24th November, 1911.  
*President of the Federal Council.* 1st January, 1912.]

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as “The Deleterious Drugs Enactment, 1911,” and shall come into force on the 1st day of January, 1912. Short title and commencement.

(ii) On the coming into force of this Enactment the Enactments specified in the schedule hereto shall be repealed to the extent herein stated but such repeal shall not affect the validity of any license granted under any of the Enactments hereby repealed, and all rules, orders, and notifications made under any of those Enactments shall in so far as they are not inconsistent with the provisions of this Enactment be deemed to have been made under this Enactment. Repeal.

2. In this Enactment the following words and expressions shall have the meaning hereinafter in this section assigned to them respectively : Interpretation.

“Deleterious drugs” means and includes—

- (a) Morphine, including morphia and all salts of morphine and any alkaloid or salt of an alkaloid of opium and any solution thereof ;
- (b) Cocaine, including all salts of cocaine and any solution thereof ;
- (c) Eucaïne, including all salts of eucaïne and any solution thereof ;
- (d) Any analogue of cocaine or eucaïne ;
- (e) Any drug which the Chief Secretary to Government, on the recommendation of the Principal Medical Officer and after consultation with the Residents, shall have declared by notification in the *Gazette* to be a deleterious drug suitable to be dealt with under the provisions of this Enactment and any salts or solution of any such drug ; but does not include
- (f) any patent or proprietary article containing one or more of the above in quantity not exceeding in the aggregate one per cent. of the total ingredients of such article ;

(g) any patent or proprietary article which may from time to time be exempted from the operation of this Enactment by the Chief Secretary to Government by notification in the *Gazette*.

“ Medical practitioner ” means a medical practitioner whose name is on the register of medical practitioners kept by the Medical Council of the Straits Settlements and Federated Malay States.

“ Chemist and druggist ” means a chemist and druggist holding a certificate of competent skill and knowledge granted under the provisions of any of the Enactments hereby repealed or which has before the commencement of this Enactment been accepted under any of those Enactments as a sufficient certificate and which has not in either of these cases been subsequently cancelled or revoked or any such certificate granted by the Council of the Straits Settlements and Federated Malay States Government Medical School or by such legally constituted Pharmaceutical authorities of any country as may to the Chief Secretary seem fitting : provided always that no certificate shall be deemed sufficient which has been granted to the holder without examination or which he has obtained without first having received a systematic training as a chemist and druggist.

“ Dentist ” means any person who shall for a period of six months have been engaged in *bonâ fide* practice of dentistry in the Federated Malay States or in the Colony and whom the Chief Secretary to Government for cause shewn permits to be licensed under this Enactment.

Dentist shall also mean such person as, on the recommendation of the Principal Medical Officer, the Chief Secretary to Government shall grant a permit under this Enactment for a period of six months in order to qualify for the issue of a license.

“ Veterinary surgeon ” means any person who holds a diploma of membership of the Royal College of Veterinary Surgeons of England and includes a person holding any diploma of a British, British-Colonial, British Indian, or Japanese School of Veterinary Science which the Chief Secretary to Government may accept as a sufficient diploma for the purposes of this Enactment.

“ Licensed ” means licensed under this Enactment.

“ Syringe ” means any instrument or part of an instrument suitable for hypodermic injection and includes a hypodermic needle.

“ Official dose ” means such quantity of any deleterious drug as may from time to time be declared by the Chief Secretary to Government to be an official dose of that drug.

“ Import ” with its grammatical variations and cognate expressions means to bring or cause to be brought into any one of the Federated Malay States either by land or sea from any place outside the Federated Malay States.

“ Export ” with its grammatical variations and cognate expressions means to take or cause to be taken out of any one of the Federated Malay States.



2A. (i) *No person not duly licensed in that behalf shall manufacture any morphine or cocaine, or any salts thereof, and no manufacture thereof shall be carried on by a licensed person in any house, factory, or place other than a house, factory, or place specified therefor in his license or otherwise than in conformity with all the conditions of such license.*

Manufacture of morphine, cocaine, and their salts.  
E. 15 of 1912.

(ii) *Licenses for such manufacture may be issued by the Principal Medical Officer, Federated Malay States, who may in his discretion limit any such license to the manufacture of morphine or of cocaine or of such salts thereof as may be specified in the license and may subject the license to such conditions, to be expressed therein, as he may think fit.*

(iii) *For every such license a fee shall be payable at such rate as the Chief Secretary to Government may from time to time either generally or in particular cases prescribe.*

(iv) *No person not licensed under this section shall knowingly keep or have in his possession any apparatus for manufacturing morphine, cocaine, or any salts thereof.*

(v) *Any license issued under this section may be cancelled at any time by the Principal Medical Officer for breach of any condition to which the same is subject or of any provision of this Enactment or of the rules made thereunder.*

### 3. Except as hereinafter in this Enactment provided :

(i) *No person shall except with the permission in writing of the Principal Medical Officer or a Senior Medical Officer of Government import any deleterious drug or syringe and no person except with the like permission shall export any deleterious drug or syringe from any State whether into another of the Federated Malay States or to a place outside the Federated Malay States.*

No deleterious drug to be imported or exported without permission.

(ii) *No person other than a licensed person or the servant of a licensed person acting with the knowledge and under the direction and control of such licensed person may have in his possession—*

Possession of deleterious drugs prohibited subject to certain exception.

(a) *any deleterious drug in quantity exceeding twelve official doses ;*

(b) *any mixture adapted for swallowing or injecting which contains more than twelve official doses of any deleterious drug or which contains one or more deleterious drugs in quantity exceeding in the aggregate twelve official doses.*

(iii) *No person shall keep or use any house or other place or knowingly permit any house or other place in his possession, occupation, or control to be kept or used for the purpose of administering any deleterious drug otherwise than under the direction and in the presence of a licensed medical practitioner, a licensed veterinary surgeon, or a licensed dentist.*

Prohibition as to permitting house to be kept for administering deleterious drugs.

(iv) *No person other than a licensed medical practitioner or licensed dentist shall prescribe or administer to any other person any deleterious drug and no person other than a licensed medical practitioner, a licensed dentist, a licensed chemist and druggist, or a licensed veterinary surgeon shall dispense or furnish to any person other than a licensed person any deleterious drug.*

Prohibitions as to prescribing, dispensing, or furnishing a deleterious drug.

Syringes.

(v) No person other than a licensed person may have in his possession any syringe other than a syringe furnished to him by a licensed medical practitioner, a licensed veterinary surgeon, or upon a prescription from a licensed medical practitioner or licensed veterinary surgeon by a licensed chemist and druggist.

Supply of drugs  
and syringes by  
licensed  
chemists and  
druggists.

E. 15 of 1912.

**3A.** *No licensed chemist and druggist shall furnish any deleterious drug or syringe to any person unless*

(a) *that person is a licensed person, or*

(b) *the deleterious drug or syringe is furnished upon a written prescription or order signed by a medical practitioner or a veterinary surgeon, or*

(c) *the deleterious drug or syringe is furnished in accordance with such conditions as may be prescribed by rule made under this Enactment.*

Issue of  
licenses.

**4.** (i) The Principal Medical Officer, Federated Malay States, and any Medical Officer appointed by him with the approval of the Resident of any State to be a licensing officer under this Enactment in and for such State or in and for any specified district or districts in such State may issue to any such person as he thinks fit, being either a medical practitioner, a chemist and druggist, a dentist, or a veterinary surgeon, a license of any of the following kinds :

(a) to a medical practitioner, veterinary surgeon, or chemist and druggist a license to possess, use, and sell deleterious drugs and syringes ;

(b) to a dentist a license to possess and use deleterious drugs and syringes in the course of his profession as a dentist.

(ii) Any such license shall be good for the whole of the Federated Malay States and until revoked but may be cancelled or revoked at any time in his discretion by the Principal Medical Officer subject to appeal to the Chief Secretary to Government.

(iii) No charge shall be made for the issue of any such license.

(iv) There shall be implied in every license issued under this Enactment the condition that the licensee is bound to comply

(a) with all the terms and conditions set out in the license ;

(b) with all the provisions of this Enactment ;

(c) with all the provisions of any rules that may from time to time be made under this Enactment.

Penalties.

E. 15 of 1912.

**5.** (i) Any person offending against any of the provisions of *sub-sections (i) or (iv) of Section 2A or of clauses (i), (ii), or (iii) of Section 3 or of Section 3A*, shall be liable on conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months and for a second or any subsequent offence under the same clause to a fine not exceeding two thousand dollars or to imprisonment not exceeding twelve months or to both.

(ii) Any person offending against any of the provisions of clauses (iv) and (v) of Section 3 shall be liable on conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months and for a second or any subsequent offence

under the same clause to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both.

(iii) The abetment of any such offence shall be punishable with the same penalty as the offence. Abetment.

6. (i) It shall be lawful for the Chief Secretary to Government, after consultation with the Principal Medical Officer and the Residents, from time to time, to make rules Rules.

- (a) prescribing the books to be kept by licensed chemists and druggists relating to the sale and purchase by them of deleterious drugs and syringes and the entries to be made therein and the time and manner of making such entries ;
- (b) prescribing the periodical returns to be furnished by licensed chemists and druggists of the sale and purchase of deleterious drugs and syringes by them and by all licensed persons of the stock of deleterious drugs and syringes in their possession ;
- (c) prescribing forms of licenses and permits to be used under this Enactment ;
- (d) *prescribing the books to be kept by persons importing or exporting deleterious drugs relating to such importation or exportation and by persons manufacturing morphine or cocaine or any salts thereof relating to such manufacture, and the entries to be made therein and the time and manner of making such entries ;* E. 15 of 1912.
- (e) *prescribing the periodical returns to be furnished by persons licensed to manufacture morphine or cocaine or any salts thereof relating to the amounts of morphine or of cocaine or of any salts thereof manufactured by them and the manner in which and the persons to whom the same have been disposed of and any other matters which may seem to the Chief Secretary to Government expedient to be included in such returns ;*
- (f) *generally to carry out the provisions of this Enactment.*

(ii) Any person who fails to comply with the requirements of any such rule shall be liable on conviction to a fine not exceeding fifty dollars and for a second or subsequent offence against the same rule committed within one year of the conviction for the previous offence to a fine not exceeding five hundred dollars. Penalties for breach of rules.

7. (i) The Principal Medical Officer and any licensing officer and any Medical Officer authorized in writing by the Principal Medical Officer or a licensing officer and every officer of police not below the rank of Inspector shall have the same powers to search, take samples, and inspect books, and every Magistrate shall have the same powers as to the issue of search warrants as are conferred by Section 12 of "The Poisons Enactment, 1911," as if every deleterious drug were a poison under that Enactment. Powers of search, etc.

(ii) Any Superintendent of Customs, principal officer of customs, or other officer of customs authorized by either of them in writing in that behalf and any of the officers specified in the last preceding sub-section may at any time enter upon and search any premises

other than the premises occupied by a licensed person for the purpose of searching for any deleterious drug or syringes imported or kept contrary to the provisions of this Enactment and may arrest any person found in possession of any deleterious drug or syringe reasonably believed to have been so imported or possessed and may if he shall have good reason to believe that any person other than a licensed person has any deleterious drug or syringe (so imported or possessed) secreted about his person require such person to accompany him to the nearest police station or other suitable place and may cause such person to be searched at such place : provided that no female shall be searched except by a female.

E. 15 of 1912.

(iii) Any substance or package containing or believed to contain any deleterious drug imported, *manufactured*, or possessed contrary to the provisions of this Enactment may be taken possession of by any of the officers referred to in the last preceding sub-section and any such officer may arrest without warrant any person reasonably suspected of having committed an offence against this Enactment or refusing to accompany him to a police station to be searched but shall be found to take such person without unnecessary delay to a police station and charge him.

Forfeiture.

8. In every case in which a conviction is had under this Enactment all deleterious drugs and substances containing deleterious drugs and all syringes in respect of which such offence was committed shall be forfeited and shall be disposed of as the Principal Medical Officer or a licensing officer shall direct.

Jurisdiction.

9. All convictions, penalties, and forfeitures under this Enactment may be had and recovered before any Magistrate of the First Class.

Prosecutions.

10. (i) The Principal Medical Officer and any licensing officer and any person authorized in writing by one of the said officers may appear and be heard in the prosecution of any offence punishable under this Enactment.

(ii) In all prosecutions under this Enactment the onus of proving that any deleterious drug or syringe found in the possession of the accused was not in his possession contrary to the provisions of this Enactment shall be on the accused.

## SCHEDULE.

## ENACTMENTS REPEALED.

State.	No and date.	Short title.	Extent of repeal.
Perak . . . .	24 of 1907	The Deleterious Drugs Enactment, 1907	The whole
Selangor . . .	22 of 1907	Do.	„
Negri Sembilan	19 of 1907	Do.	„
Pahang . . . .	1 of 1908	The Deleterious Drugs Enactment, 1908	„

## ENACTMENT NO. 11 OF 1911.

As amended by Fed. E. 11 and 41 of 1918, 29 of 1919, 24 of 1920, and  
28 of 1920.

An Enactment to consolidate and amend the Law relating  
to Land.

ARTHUR YOUNG, [24th November, 1911.  
*President of the Federal Council.* 1st July, 1912.]

It is hereby enacted by the Rulers of the Federated Malay States  
in Council as follows :—

### PART I. GENERAL.

1. (i) This Enactment may be cited as “The Land Enactment, 1911,” and shall come into force upon such date as the Chief Secretary to Government may, by notification in the *Gazette*, appoint. Short title and commencement.

(ii) The Enactments specified in Schedule A are hereby repealed to the extent mentioned in the said schedule; provided that, except as herein specially otherwise enacted, nothing shall affect the past operation of those Enactments or of any order made thereunder or the validity or invalidity of anything done or suffered, or of any right, title, or interest created, under those Enactments before the commencement hereof. Repeal.

(iii) Nothing contained in this Enactment shall be deemed to prevail against the provisions of “The Customary Tenure Enactment, 1909,” of the State of Negri Sembilan.

(iv) All appointments made and all rules which may be in force as law under the provisions of any of the Enactments hereby repealed shall, so far as they are consistent with the provisions of this Enactment, be deemed to have been made under this Enactment.

2. In this Enactment the following terms shall, if not inconsistent with the context or subject matter, have the meanings hereunder assigned to each of them respectively :

“The words ‘the State’ mean with reference to any particular piece of land or any right, title, or interest therein, or any duty or obligation connected therewith, or any matter whatsoever incidental thereto, the State in which such land is situated, and the words ‘the Ruler’ and ‘the Resident’ mean, respectively, the Ruler or Rulers of that State and the Resident of that State.” Interpretation.

In the States of Perak, Selangor, and Pahang, “Grant” means a grant of State land issued by or on behalf of the Ruler of the State,

and includes a lease of State land in perpetuity or for a term of not less than 999 years issued prior to the commencement of this Enactment.

In the State of Negri Sembilan, "Grant" means a grant of State land issued by or in the name and on behalf of the Ruler of the State, and includes a lease of State land in perpetuity or for a term of not less than 999 years issued prior to the commencement of this Enactment.

In the States of Perak, Selangor, and Pahang, "to alienate" means to sell, lease, or otherwise dispose of State land on behalf of the Ruler of the State in consideration of the payment of quit-rent and of such premium, if any, as may be required.

In the State of Negri Sembilan, "to alienate" means to sell, lease, or otherwise dispose of State land in the name and on behalf of the Ruler of the State in consideration of the payment of quit-rent and of such premium, if any, as may be required.

"Abandonment" means the failure on the part of any holder of a title to land, or any person on his behalf or claiming under him, to use such land for the purposes for which it was alienated for such period as may be prescribed in each case.

"Certificate of Title" means a certificate of title issued under the provisions of any Registration of Titles Enactment.

"Chief Secretary" means the Chief Secretary to Government, Federated Malay States.

"Lease" as hereinafter referred to means any lease of State land given by or on behalf of the Ruler of the State for a term of less than 999 years.

"Prescribed" means authorized by this Enactment or any rules made thereunder.

"Public purpose" includes the reservation or acquisition of land for quarries, brickfields, quays, landing-places, tramways, railways and railway stations, roads, canals, reservoirs, irrigation works, aqueducts or water-courses, markets, abattoirs, public baths or wash-houses, Government buildings, schools, gardens, places of public worship or instruction, recreation or convenience, reformatories, libraries, museums, hospitals, asylums, experimental farms, \* \* or places for the cremation or interment of the dead, and also for the improvement of unhealthy areas in townships or villages declared under Section 13 or under any other law in that behalf, and for such other purposes as the Resident may, with the approval of the Chief Secretary, declare by notification in the *Gazette* to be public purposes within the meaning of this Enactment.

"Rent" means whatever is to be rendered on account of the use or occupation of land, whether in money or in kind.

"State land" means all lands which have not been and may not hereafter be reserved for any public purpose, or which have not been and may not hereafter be leased or granted to or are not and may not hereafter be lawfully occupied by any person, and includes all lands which, at the commencement of this Enactment, may have become or which hereafter may become forfeited by reason of any

breach of the conditions on which the same have been lawfully occupied, or which have been or may hereafter be surrendered to the State by the lawful owner thereof.

“The Collector” means any Collector or Assistant Collector duly appointed under this Enactment.

“The Court” means a Court of a Judicial Commissioner.

“Commissioner” means the Commissioner of Lands of the Federated Malay States. E. 28 of 1920.

**3.** (i) State land, for the purposes of this Enactment, is divided into the following classes—that is to say, Classification of State land.

- (a) Town and village lands ;
- (b) Country lands of 100 acres in area and under ;
- (c) Country lands exceeding 100 acres in area.

(ii) Subject to the provisions of this Enactment, the Resident in the States of Perak, Selangor, and Pahang, on behalf of the Ruler of the State, and in the State of Negri Sembilan in the name and on behalf of the Ruler of the State, may alienate State land for such interest and in such manner as is authorized by this Enactment, and may, with the approval of the Chief Secretary, impose special conditions in respect thereof to be set out in the title.

(iii) Nothing in this section shall apply to mining lands except in so far as such lands may be occupied for purposes other than those for which they were alienated.

**3A.** (i) *Subject to the provisions of any Enactment, no State land which is in the opinion of the Resident more suitable for cultivation with wet rice or for being rendered by irrigation or otherwise cultivable therewith than for any other purpose shall be alienated except under a special condition requiring the same, or a proportion thereof, to be cultivated annually with wet rice and prohibiting the planting of any other product thereon.* Special conditions regulating alienation of land suitable for wet rice cultivation.  
E. 41 of 1918.

(ii) *Nothing in this section shall apply to land situated within the boundaries of a township or village.*

**4.** (i) Subject to the provisions of the following sub-sections, the rent of all State land, sold or alienated after the 31st day of December, 1909, shall be liable to periodical revision, which may result in either enhancement or reduction. Revision of rent.

(ii) The first revision under this section may take place on or after the 1st day of January, 1940, and subsequent revisions may take place at successive intervals of not less than thirty years.

(iii) At each revision the rent reserved to the State in respect of any such land may be revised by the Resident, but in making such revision no improvements made by the landowner, or his predecessors in title, shall be taken into account.

**5.** Every title to land under this Enactment or under the Land Enactments, 1903, of Perak, Selangor, Negri Sembilan, and Pahang shall, by virtue of this Enactment, be subject (in the absence of an express provision to the contrary) to the following implied condition in respect of the land comprised therein—that is to say : Implied condition for re-entry.

That in case of a breach of, or default in observance of, any of the conditions of the said title, whether expressed or implied by the provisions of this Enactment, the Collector or any Officer authorized by him in writing may, on behalf of the Ruler of the State, re-enter on such land, or on any portion thereof in the name of the whole, and thereupon the same shall be forfeited to and vest in the Ruler of the State; provided always that no re-entry shall be made by the Collector on the ground of any such breach or default as aforesaid that may be capable of being repaired or made good, until after notice substantially in the form of Schedule B shall have been given by the Collector to the party who has been guilty of the same, to repair and make good such breach or default within such reasonable time as may be limited in the notice, and such party shall nevertheless have persisted in his neglect or refusal to repair and make good the same; and provided further that forfeiture may be enforced notwithstanding the fact that quit-rent may have been received under such title after the accrual of the liability to forfeiture, but so that if the forfeiture be enforced any quit-rent received after the accrual of such liability shall be repaid.

Implied condition regarding access to other lands.

6. (i) Every title to land other than land situated within the boundaries of a township or village, whether such title be of a date prior or subsequent to the commencement of this Enactment, shall by virtue of this Enactment be subject (in the absence of an express provision to the contrary) to the following implied conditions in respect of the land comprised therein—that is to say :

(a) That should any claim be hereafter made to the Collector of the district in which the land referred to is situate, by the owner or occupier of any land adjacent or contiguous to the land referred to for a right of way from his land over the land referred to, to facilitate his access to the nearest public road, then the Collector may mark out for the purpose a road or way over the land referred to, and in such case the owner or occupier of the said adjacent or contiguous land making such claim shall be entitled to the use and benefit of such road or way as a means of passage between his said land and such public road as aforesaid but not otherwise in the same manner and to the same extent as if the said road or way were a public road or way and the owner of the land shall not obstruct such passage.

E. 41 of 1918.

(b) *That the Collector of the district in which the land referred to is situate may mark out over the said land a road or way to provide means of approach or access to any State land for the purpose of the removal therefrom of timber or other forest produce whether by a public servant or by any person duly authorized by the Government in that behalf, and in such case public servants and persons duly authorized as aforesaid shall for the purpose of the removal of timber or other forest produce from State land over the land referred to, but not otherwise, be entitled to the use and benefit of such road or way in the same manner and to the same extent as if the said road or way were a public road or way and the owner of the land shall not obstruct such use.*



*In this section the expression "forest produce" has the meaning assigned thereto in "The Forest Enactment, 1918";*

(ii) (a) When a road or way over any land shall have been marked out by the Collector under the powers conferred by paragraph (a) of sub-section (i), the persons entitled to use such road or way shall make full compensation for damage done to growing crops and permanent improvements, and the expense of making and maintaining such road or way shall be borne by the owner or occupier of lands using the same, and any dispute relating to the matters in this sub-section referred to shall be settled by the Collector whose decision shall be final. E. 41 of 1918.

(b) When a road or way over any land shall have been marked out by the Collector under the powers conferred by paragraph (b) of sub-section (i), the Government of the State wherein such land is situate shall make full compensation for damage done to the land or to anything thereon by the marking out, making, maintenance, or use of such road or way, and the expense of making or maintaining such road or way shall be borne by the Government. E. 41 of 1918.

(iii) The owner or occupier of any land over which a road or way shall be marked out under the provisions of paragraph (a) of sub-section (i) shall have no claim to compensation in respect thereof otherwise than as provided in paragraph (a) of sub-section (ii).

(iv) The Collector shall have power to call for the production to him of any title or document or instrument of title, and to endorse, or cause to be endorsed, on any such title or document or instrument of title a description and plan of any right of way constituted under this section over land comprised in such title or document or instrument of title. E. 41 of 1918.

6A. Every title to land under this Enactment of a date subsequent to the first day of January, 1921, shall by virtue of this Enactment be subject to the following implied condition in respect of the land comprised therein—that is to say : Implied condition regarding removal of trees,  
E. 24 of 1920.

*That the Resident may whenever he considers it necessary for a public purpose cause any tree on the land to which such title relates to be removed or dealt with in such other way as he deems fit. Where a tree is removed or otherwise dealt with under this section the Collector shall award such compensation as he thinks reasonable, provided always that no such compensation shall be paid in the case of a tree situated within seventy-five feet of the centre line of a road repairable out of Government funds, unless the tree was in existence before the construction of the road.*

*The order of the Resident and the award of compensation by the Collector shall be final.*

7. The entire property in and control of all rivers, streams, and water-courses is and shall be vested solely in the Ruler of the State, but so that, in the case of lands held by a Government Department under grant or lease or as a reserve, such control may be exercised by the Head of the Department, under the direction of the Chief Control of rivers.

Secretary in the case of a Federal Department, and of the Resident in other cases.

River-banks  
and sea-shore.

8. No land within fifty yards of the bank of any navigable river, stream, or creek, or of the sea-shore shall be alienated to any person except with the express permission of the Chief Secretary ; provided that this section shall not apply in the case of land alienated for the special purpose of the cultivation of the nipah palm ; and provided, further, that for the purposes of this section only such rivers, streams, or creeks, or portions thereof as shall be so declared by the Resident, by notification in the *Gazette*, shall be deemed to be navigable rivers, streams, or creeks.

Land reserved.

9. In each State the Resident may from time to time reserve, by notification in the *Gazette*, any State lands which in his opinion are required for any public purpose or for a residential reserve. Such notification shall fully describe the land, the public or other purpose, and the terms on which it is reserved. \* \* \*

E. 11 of 1918.

E. 41 of 1918.

10. (i) *Where land has been reserved for a public purpose under the provisions of the Land Enactment, 1897, of any State, the Land Enactment, 1903, of any State, or this Enactment, and such reservation has not been revoked,*

(a) *such land shall not be sold or alienated, and*

(b) *every disposition thereof except for the purpose for which such reservation was made shall be void ;*

*provided that the Resident may, in any case in which a reserve has been created solely for the protection and furtherance of public works, authorize the officer for the time being having the control of such reserve to grant leases of the whole or any portion thereof, for any period not exceeding twenty-one years, for purposes which may appear to the Resident to be conducive to the advantage and development of such works.*

(ii) *Where land has been reserved for a public purpose under any Enactment referred to in sub-section (i), the Resident may, notwithstanding anything contained in the Enactment under the provisions whereof such land was reserved, by notification published in one issue of the Gazette, revoke such reservation in whole or in part, if it appears to him expedient so to do ; provided that no reservation shall be revoked under this sub-section, unless*

(a) *notice that it is proposed to revoke the reservation, together with particulars of a time and place at which persons desiring to shew cause against such revocation will be heard by the Resident, shall have been published for seven days in a newspaper circulating in the State and shall also have been published in two consecutive issues of the Gazette ; and*

(b) *the persons, if any, attending at the time and place so appointed and desiring to be heard by the Resident shall have been heard accordingly.*

Title to convey  
surface rights  
only.

11. (i) Every title to land under this Enactment shall be deemed to vest in the person entitled thereunder a surface right only in the land to which such title relates, and, in the absence of an express condition to the contrary in such title, shall convey no right to remove, without license, beyond the boundaries of the said land any

timber, or other jungle produce, gravel, stone, coral, shell, guano, sand, loam, or clay obtained from the said land, or any bricks, lime, or other commodities manufactured from the materials aforesaid.

(ii) The produce of plants and trees belonging to any species of palaquium or payena, commonly known as getah taban, getah sundek, and getah sempor, growing on alienated land which have been cultivated to the satisfaction of the Resident shall not be deemed to be jungle produce for the purposes of this Enactment or of any rules made thereunder.

12. *Except as may be otherwise expressly provided by any Enactment*, after any land has been alienated for agricultural purposes under permanent title no right to mine the same shall be granted to any person except with the sanction of the Ruler of the State in Council.

E. 11 of 1918.  
No agricultural land may be mined except under special sanction.

13. In each State the Resident may, by notification in the *Gazette*, divide the territory of the State into districts, and may also declare any defined area therein to be a mukim, township, or village, as the case may be, and may in like manner vary or rescind any such division or declaration or any similar division or declaration in force at the commencement of this Enactment.

Resident may divide territory into districts, etc.

14. Upon any declaration of a township or village under the preceding section the boundaries thereof shall forthwith be surveyed.

Boundaries of townships and villages.

15. (i) Any person who, at the commencement of this Enactment, is in possession of land by virtue of any document of title other than a lease or grant, may exchange such document, if the land is situate within the boundaries of any township or village, for a grant under the provisions of Part II, or, if the land is not so situate, for an extract from the register or grant under the provisions of Part III, without further payment, except for survey and demarcation fees, if any : provided that nothing herein contained shall entitle any person to receive an extract from the register or a grant for a greater area than that specified in the document of title under which he claims.

Exchange of old titles.

(ii) If any document of title under which land is claimed by any person contains, in the opinion of the Collector, no means of identifying with reasonable certainty the land to which it relates, the Collector may, by notice in writing under his hand, require such person to deliver up the same in order that such corrections or additions may be made thereto, whether by the endorsement of a plan thereon or otherwise, as shall enable such land to be clearly identified by means of such document of title ; and such person shall be bound so to deliver up the same within one month from the date of the service of the notice. When such corrections or additions as aforesaid have been duly made the Collector shall return such document of title to the person entitled to the custody thereof.

Rectification of old titles.

Provided that the Collector shall not so act in respect of any document of title subject to the provisions of any Registration of Titles Enactment, or of any Enactment to be read and construed therewith, save with the consent of the Registrar of Titles.

(iii) When any document of title is forfeited or expires the Collector may by a notice in writing to be served on the holder thereof require him to deliver up such document, and the holder shall thereupon be legally bound to so deliver it.

Delivery of forfeited or expired title.

Procedure for  
issue of titles  
and for delivery  
of superseded  
titles.

(iv) When any document of title has been prepared in pursuance of an application therefor or in substitution for any document of title to land whereof a part has been surrendered to or resumed by the Government, the Collector may by notice in writing require the person entitled to receive such document to attend at the Land Office within three months from the date of service of the notice and to sign or take out such document, as the case may be, and to pay all fees and charges due on account thereof.

The Collector may also by such notice require that the person entitled to receive such document shall, on the issue thereof, deliver up any other document of title in substitution for which the said document has been prepared ; and if any person shall wilfully neglect to comply with the requirements of any notice under this sub-section duly served on him, it shall be lawful for the Collector to cancel the application, if any, in pursuance of which the said document has been prepared.

(v) If default be made in delivering up any document of title required to be delivered up under the provisions of sub-section (ii) or (iv) the Collector may apply to the Court for an order that such document of title be cancelled or otherwise dealt with, and the Court shall make such order in the matter as may be just.

Copies of  
documents to  
be evidence.

16. A copy of any application, letter, document, or instrument of any kind whatsoever relating to any purchase, reservation, grant, or title in respect of land, certified as correct by the officer having the custody thereof, shall be admissible in evidence in every case in which the original would be admissible.

Loss of title.

17. If any document of title, other than a grant or lease or certificate of title, is lost or wholly or partly destroyed the person lawfully entitled to the custody thereof, together with other persons, if any, having knowledge of the circumstances, may file in the Land Office of the district in which the land is situated an affidavit or statutory declaration containing a full description of such document of title and of the circumstances under which it was lost or wholly or partly destroyed. *The Collector shall thereupon cause a notice substantially in the form of Schedule C to be published in the Gazette ; such notice shall also be published locally in the district for a period of not less than one or more than three months, and a copy thereof shall be posted on the land.* The Collector may thereafter upon receipt of the prescribed fees issue to the person so lawfully entitled a certified copy of the document of title and such certified copy shall be available for all purposes and uses for which the original document of title so lost or wholly or partly destroyed would have been available, and as valid to all intents as such documents of title : provided that the Collector shall not in any case issue such certified copy unless he is satisfied as to the truth of the affidavit or declaration and the good faith of the applicant for the same.

E. 11 of 1918.

Rules.

18. The Resident may, with the approval of the Chief Secretary, from time to time make rules for fully and effectually carrying out and giving effect to the various purposes, provisions, and powers in this Enactment contained, and such rules, when published in the *Gazette*, shall have the force of law.

Such rules may provide for :

(i) The mode in which application for land and payment for survey and demarcation shall be made ;

(ii) The occupation of holdings and the transfer of interests therein pending survey or demarcation ;

(iii) The temporary occupation of land ;

(iv) The occupation and management of reserves ;

(v) The sale by auction of State land ;

(vi) The fixing of premia, rents, and fees under this Enactment ;

(vii) The time and place at which rent due to the State shall be paid ;

(viii) The service of notices issued under the provisions of this Enactment or of any rule made thereunder ;

(ix) (a) The time and method of preparing and cultivating land for the growth of rice ;

(b) Compelling the clearing and cultivation of all lands alienated either before or after the commencement of this Enactment for the purpose of the growth of rice ;

(c) The temporary disposal by the Collector for the purpose of taking the season's crop of any alienated land in respect of which any rule made under clause (a) or (b) of this sub-section has not been fulfilled either by the owner or by some person on his behalf ;

(d) Compelling owners or occupiers of land alienated for the growth of rice to give their labour free for the performance of such works and duties as may be for their common benefit in the cultivation of rice ;

(e) The penalty by way of fine, continuing or otherwise, to be imposed for breach of any rule made under this sub-section ; provided that no such penalty shall exceed in aggregate the sum of one hundred dollars.

(x) The establishment and control of villages ;

(xi) Issuing licenses to dig and remove gravel, stone, coral, shell, guano, sand, loam, or clay, or to remove bricks, lime, or other commodities manufactured from the materials aforesaid ; provided that in the case of land which now is or hereafter may be alienated no such license shall be issued except to the owner of such land or with his consent ;

(xii) Prescribing the payments to be made in respect of such licenses ;

(xiii) Prescribing the procedure to be taken under Sections 22, 37, 49, or any other sections of this Enactment ;

(xiv) Prescribing the powers and duties of Collectors, Settlement Officers, Native Headmen, and other officers entrusted with the duty of carrying out the provisions of this Enactment ;

(xv) Prohibiting the planting of any specified product or providing that any specified product shall be planted and cultivated only in accordance with such conditions as the Resident, with the approval of the Chief Secretary, may from time to time prescribe ;

(xvi) Altering, adding to, or rescinding any of the forms contained in the schedules ;

(xvii) All other matters connected with the enforcement of this Enactment ;

Appointment  
of officers.

19. (i) In each State the Resident may from time to time appoint by name or office and, when appointed, remove such and so many Collectors, Assistant Collectors, Settlement Officers, and other officers as he may consider necessary for carrying out the purposes of this Enactment. The appointment of Collectors, Assistant Collectors, and Settlement Officers shall be notified in the *Gazette*.

(ii) The Resident may also, if he shall think fit, define the boundaries within which such officers shall exercise the powers and perform the duties assigned to them by this Enactment or any rules made thereunder.

(iii) In any district in which there may be one or more Assistant Collectors as well as a Collector every Assistant Collector shall exercise his powers and perform his duties in conformity with the directions of the Collector.

(iv) All officers appointed by the Resident under this section shall be deemed to be public servants within the meaning of the Penal Code.

Appeal to the  
Court.

20. Any person dissatisfied with any order or direction of the Collector in any matter arising under this Enactment, in respect of which no appeal is otherwise specifically provided for by this Enactment, or as to which it is not provided that the Collector's decision shall be final, may, in the absence of any direct provision to the contrary, file a suit in the Court, praying for a revision of such order or decision, and thereafter the matter shall be heard and decided according to the law of Civil Procedure in force in the State for the time being.

Survey and  
demarcation.

21. No grant or lease shall be issued unless and until the land included therein has been surveyed and demarcated to the satisfaction of the Collector.

Sub-division  
of land.

22. (i) If any person owning land under any title other than a grant or lease or certificate of title is desirous of dividing or partitioning such land, application shall be made to the Collector to accept a surrender of such title, and to issue grants or make new entries in the register relating to the land comprised therein, in parcels. The Collector, if satisfied with the title of the applicant, and on payment of all costs or expenses consequent on such application, shall accept the surrender of such title and shall in lieu thereof issue grants or make new entries in the register, as the case may be, in such parcels as may be required : provided that all arrears of rent and charges (if any) due under the original title shall have been satisfied, and provided further that the rent reserved on each parcel shall be not less than fifty cents.

(ii) Where the division or partition is for the purpose of laying out building lots, and a Sanitary Board has no jurisdiction, it shall be lawful for the Collector to require such reserves for streets or back lanes to be laid out as may, in his opinion, be necessary.

Surrender of  
land.

E. 41 of 1918.

23. *Except as otherwise in this section provided, land may at any time be surrendered to the State by the lawful owner thereof, or lessee holding from the State, if the rent for the current year and all arrears, costs, and charges have been paid and satisfied and the document of title*

(if any) for the land has been delivered up. From the date of such surrender the Collector shall cease to demand the rent reserved in respect of such land. Provided that the right of surrender shall in the case of all lands, whether alienated before or after the commencement of this Enactment, be subject to the following restrictions, that is to say,

- (a) there shall be no surrender of land without the written consent of all persons having registered interests, by way of charge or otherwise, therein ;
- (b) there shall be no surrender, without the written consent of the Resident, of any land being a sub-division of a larger area held at any time under one grant or Government lease by the owner or lessee thereof or his predecessors in title and not being the total residue unsurrendered or unresumed of the larger area so at any time held.

**24.** (i) Subject to the provisions of this Enactment, any State land may, at the discretion of the Resident, with the approval of the Chief Secretary, be alienated under lease for such term, not exceeding one hundred years, and subject to such special conditions and to such special rates of premium and rent, as may be approved. Leases.

(ii) Every such lease shall be in duplicate and shall be sealed with the public seal of the State and signed by the Resident and the lessee.

## PART II.

### TOWN AND VILLAGE LANDS.

**25.** (i) This Part applies only to land situated within the boundaries of a township or village. Town and village lands.

(ii) Every grant issued under this Part for land situated within the boundaries of a township or village shall be substantially in the form of Schedule D (i) for Perak, Selangor, and Pahang, and in the form of Schedule D (ii) for Negri Sembilan, and shall be sealed with the public seal of the State and signed by the Resident.

(iii) Subject to any special exceptions made by the Resident with the approval of the Chief Secretary in particular cases, every alienation of State lands under this Part shall be by auction and shall be subject to the obligations and conditions described in Sections 26 and 27, and to such other obligations, conditions, exceptions, and reservations, and such upset price as the Resident may direct.

**26.** In every grant or lease issued under this Part there shall, by virtue of this Enactment, be implied, in the absence of an express provision to the contrary, the following obligations on the part of the grantee or lessee—that is to say : Implied obligations in grants.

(i) That the grantee or lessee will duly pay, at the time and place and to the person prescribed for that purpose, the rent specified in the grant or lease ;

(ii) That all marks by which the boundaries of such land are defined shall be duly maintained ;

(iii) That no portion of such land shall be used for the burial of a human body without the written authority of the Resident.

The aforesaid obligations shall run with the land, and shall bind the owner or owners thereof for the time being in like manner as if

their name or names were substituted in the grant or lease for that of the original grantee or lessee.

Implied conditions in grants.

27. Every grant or lease issued under this Part shall, by virtue of this Enactment, be subject, in the absence of an express provision to the contrary, to the following implied conditions in respect of the land comprised therein—that is to say :

(i) That the rent due to the State in respect of such land shall be a first charge on such land ;

(ii) That there shall be reserved the right of making drains and sewers, constructing irrigation works and survey stations, laying down water pipes, erecting wires for telegraphs and other electric communications, and using, repairing and maintaining the same upon such land without paying compensation therefor, and that the officers of the State and all contractors and workmen thereto duly authorized shall, at all reasonable times, have free access to such land for such purposes : provided always that, where such works interfere with improvements, building or cultivated ground, compensation shall be allowed for disturbance or damage, and the amount of such compensation shall be determined in the manner provided in Part VII ;

(iii) That the Collector of the district in which such land is situate, and the officers duly authorized by him, shall, at all reasonable times, have free access to such land.

Title for building land.

28. No alienated land situated within the boundaries of any township or village shall be utilized for the erection of any building within a distance of fifty feet from any public road or street unless such land be held under grant or lease or certificate of title ; and any such land so utilized shall be subject to quit-rent at the rates prescribed for building lots unless it be held under a lease under Section 24, in which case it shall be subject to the quit-rent reserved by the terms of such lease.

### PART III.

#### COUNTRY LANDS 100 ACRES IN AREA AND UNDER.

Country lands : small areas.

29. Nothing contained in this Part shall apply to lands exceeding 100 acres in area or to lands included within the boundaries of any township or village other than lands held under title by entry in the mukim register prior to the Resident's declaration (if any) of the township or village under Section 13. And nothing in this Part shall be held to supersede or to be substituted for the procedure prescribed by any Registration of Titles Enactment, or by any Enactment to be read and construed therewith, in respect of lands held under grant or lease or certificate of title.

Mode of alienation.

30. Alienation of State land under this Part may be by auction or otherwise as the Resident may from time to time generally or in particular cases direct.

Form of title.

31. (i) Subject to payment of the prescribed fees, land under this Part may be alienated under grant or lease or under title by entry in the mukim register.

(ii) To any person holding land under this Part by entry in the mukim register there may be issued on application and after survey



and payment of the prescribed fees a grant for the land so held or for any part thereof.

**32.** (i) Every grant for land under this Part shall be substantially in the form of Schedule D (i) for Perak, Selangor, and Pahang, and in the form of Schedule D (ii) for Negri Sembilan, and shall be sealed with the public seal of the State and signed by the Resident. Grants.

(ii) Every grant or lease issued under this Part shall be subject to the obligations and conditions described in Sections 26 and 27.

**33.** (i) The Collector shall keep a mukim register, substantially in the form of Schedule E, for each mukim in the district, and in such register there shall be entered, in serial order, the particulars of all alienated lands in the mukim other than lands held under grant or lease or certificate of title together with the special conditions, if any, imposed in respect of such lands. Mukim registers.

(ii) Every entry in the register, when completed, shall be certified by the Collector, who shall affix his signature thereto, and all new entries that may be made in the register shall, when made, be certified in a similar manner.

(iii) The Collector shall be responsible for the safe keeping of all mukim registers of his district.

(iv) The Collector shall also keep a book to be called the Journal of Transactions, substantially in the form of Schedule F, and shall enter therein a reference to every instrument which is produced for registration relating to any land described in the mukim register.

**34.** (i) There shall be issued, on his application and upon payment of the prescribed fees, to every lawful owner of land in the district, other than land held under grant or lease or certificate of title, an extract from the register, which shall be substantially in the form of Schedule G, and on which shall, unless otherwise allowed by the Resident, be endorsed a title plan of the land, with the dimensions, abutments, and boundaries thereof: provided that any person who is in possession of an agreement for a lease under any previous Enactment shall be entitled, upon payment of survey or demarcation fees, as the case may be, to receive, at his option, a grant or extract from the register in lieu thereof. Extracts from the register.

(ii) Any person holding any land under ancient customary tenure shall, on complying with such terms as may be prescribed by the Resident, as to proof of his right, and on payment of demarcation fees and other prescribed fees, if any, unless he be specially exempted by the Resident from payment thereof, be entitled to be registered in the mukim register as owner of such land, subject to a quit-rent, in the same way as if he had acquired the same under the provisions of this Enactment.

**35.** Every person whose name is recorded in any mukim register as the owner of land in such mukim shall be deemed to have a permanent, transmissible, and transferable right, interest, and occupancy in his land, subject to the obligations and conditions described in Sections 26 and 27, and to any special conditions that may have been lawfully imposed in respect of the said land. Rights evidenced by entry in mukim register.

Forfeiture for  
abandonment.

**36.** (i) Any land held under this Part which has been abandoned for three consecutive years shall be liable to forfeiture, notwithstanding that quit-rent may have been paid during the whole or any part of such period. Forfeiture shall be effected by publication in the *Gazette* or in such other manner as may be directed by the Resident, of a notice, substantially in the form of Schedule H, and by posting a copy of the same on the land.

(ii) In the absence of any special condition denoting the purpose for which any land under this Part has been alienated, such land shall be deemed to have been alienated for the purpose of cultivation and shall be deemed to have been abandoned if not kept under cultivation to the extent of one-fourth of its area by the owner or by any person on his behalf.

Claims to  
registration  
as owner.

E. 41 of 1918.

**37.** (i) *Any person asserting that he is entitled, otherwise than by right of succession to a deceased owner, to be registered under this Part as the owner of any land the value whereof does not exceed one thousand dollars and which is not held under grant or lease or certificate of title may, whether such land shall have been alienated to any other person or not, apply to the Collector to record him as such in the register of the mukim in which the land is situate. The Collector shall thereupon cause a notice of such application, substantially in the form of Schedule J, to be served on the occupier (if any) of such land and also to be published locally in the district and posted on the land for a period of thirty days and shall make such enquiry as may be necessary. Provided that in any case where the opinion of the Collector as to whether the value of the land exceeds or does not exceed one thousand dollars is contested by the applicant or by any party to the proceedings, the Collector shall refer the question of the value of the land to the decision of the Resident, and the decision of the Resident thereon shall be final and there shall be no appeal therefrom.*

(ii) *If after such notice and enquiry the Collector is of opinion that such application ought to be granted, or if in the course of such enquiry it shall be proved to his satisfaction that some person other than the applicant is entitled to be registered as the owner of such land, then, in either of such cases, he shall make an order, substantially in the form of Schedule K, in accordance with his decision and shall thereupon make any necessary entry in the mukim register.*

(iii) *A copy of the order above mentioned shall be furnished by the Collector to the person in favour of whom such order is made and, on application, to any other party to the proceedings or, on payment of the prescribed fee, to any other person.*

Claims to  
registration by  
right of succe-  
sion.

**37A.** (i) *Any person claiming to succeed to the ownership of land of a deceased person, in any administrative district, held under title by entry in the mukim register and not disposed of by the will of the deceased may, if the aggregate value of all lands in such district which were held by the deceased at the time of his death under title by entry in the mukim register does not exceed one thousand dollars, apply to the Collector to record him in the mukim register as owner of the land so claimed. The Collector shall thereupon cause a notice of such application, substantially in the form of Schedule K<sup>1</sup>, to be served on the occupier (if any) of such land and also to be published locally*

in the district and posted on the land for a period of thirty days and shall make such enquiry as may be necessary.

(ii) If after such notice and enquiry the Collector is of opinion that such application ought to be granted, or if in the course of such enquiry it shall be proved to his satisfaction that some person other than the applicant is entitled to succeed to the ownership of such land, then, in either of such cases, he shall make an order, substantially in the form of Schedule K<sup>2</sup>, in accordance with his decision and shall thereupon, subject to the provisions of sub-section (iv), make any necessary entry in the mukim register.

(iii) A copy of the order above mentioned shall be furnished by the Collector to the person in favour of whom such order is made and, on application, to any other party to the proceedings or, on payment of the prescribed fee, to any other person.

(iv) Where in the case of an application under this section the Collector is of opinion that, by reason of any debt, contract, or thing incurred, made, or done, or alleged to have been incurred, made, or done, by or on behalf of the deceased, or for any other sufficient cause, it is expedient to suspend the making of any entry in the mukim register under sub-section (ii), the Collector may suspend for such period as he thinks fit the making of such entry.

(v) For the purposes of this section the Collector for any administrative district shall have power to determine the value of any land within such district which is held under title by entry in the mukim register, and any such determination of value by a Collector shall for the purposes of this section be final and there shall be no appeal therefrom.

(vi) Notwithstanding anything contained in the Probate and Administration Enactments, 1904, no land of a deceased person in respect whereof an application can under the provisions of sub-section (i) be made to a Collector shall by virtue of the said Enactments vest in the executor or administrator of such deceased person.

(vii) For the purposes of the application of this section to the State of Negri Sembilan

(a) in so far as an application under sub-section (i) relates to land in respect whereof the words "customary land" have, under the provisions of "The Customary Tenure Enactment, 1909," of the said State, been added to the entry in the mukim register (such land being hereinafter in this sub-section and in Section 38 referred to as "customary land"), the limitation in respect of value of lands which is imposed by sub-section (i) shall not apply; and

(b) in cases where the said limitation applies, the value of customary lands shall not be taken into account.

**38.** (i) From any order of a Collector under Section 37 or Section 37A, and from any refusal of a Collector to make an order under the said sections, an appeal shall lie to the Commissioner; provided that no such appeal shall be admitted after the expiration of thirty days from the date of the order or refusal appealed against.

Appeals to  
Resident and to  
Court.  
E. 28 of 1920.

(ii) *Any person who conceives that a right to or interest in land which he claims to have is injuriously affected by any such order or refusal as aforesaid may apply to the Commissioner within three months after the registration of such order or the date of such refusal to set aside or vary such order, or, where an order has been refused, to make an order, and the Commissioner shall try the question whether such order or refusal be or be not inconsistent with the rights of the applicant; and if the Commissioner shall decide that the said order or refusal is inconsistent with such rights he shall set aside or vary such order, or himself make an order, as he may think just, and the Collector shall on receiving notice thereof, make any necessary entry in the mukim register.*

(iii) *A copy of an order made by the Commissioner under sub-section (ii) shall be furnished by the Commissioner to the person in favour of whom such order is made and, on application, to any other party to the proceedings or, on payment of the prescribed fee, to any other person.*

(iv) *Any person aggrieved by any decision of the Commissioner in an appeal or application under this section may appeal to the Court; provided that no such appeal shall be admitted after the expiration of thirty days from the date of the decision appealed against.*

(v) *Except as herein expressly provided, no Court shall exercise jurisdiction as to any claim or question in respect of which jurisdiction is given by Section 37 or Section 37A to the Collector.*

(vi) *For the purposes of the application of this section to the State of Negri Sembilan—*

(a) *the appeal from any order of a Collector under Section 37A and from any refusal of a Collector to make an order under the said section shall, in so far as such order or refusal relates to customary land, lie to the Commissioner sitting with the Ruling Chief of that part of the State wherein such customary land is situate, and the joint decision of the Commissioner and such Ruling Chief shall be final and there shall be no appeal therefrom; and*

(b) *any decision of the Commissioner under sub-section (ii) shall in so far as such decision relates to customary land be final and there shall be no appeal therefrom.*

**39.** (i) *For the purpose of any enquiry made by the Collector under Section 37 or Section 47, or by the Commissioner under Section 38 or Section 49, the Collector or Commissioner, as the case may be, may require, by a summons under his hand, any person being within the State to attend before him and, if necessary, to produce all documents in his possession relating to any right to or interest in such land.*

(ii) *The Collector or Commissioner, as the case may be, may also examine upon oath, or solemn affirmation having the force of an oath, any person so summoned touching any right to such land or interest in the same.*

(iii) *Every person so summoned or examined shall be legally bound to attend as required by the summons, and to produce all such documents as aforesaid, and to answer, on oath or affirmation, any lawful question put to him.*

40. The Collector shall from time to time make in the mukim registers all such entries, alterations, or corrections as may become necessary. All registers, journals, and other records kept under this Part shall be open to public inspection on every working day between the hours of 10 a.m. and noon, on payment of the prescribed fee.

Record of mutations.

41. (i) Every person acquiring the possession of land, other than land held under grant or lease or certificate of title, or of the profits thereof, whether on the death of the owner, or as purchaser, or otherwise howsoever, and if such person is a minor or of unsound mind the guardian, next friend, or other person appointed by the Court to act on behalf of such minor or person of unsound mind, shall give notice of such acquisition, immediately after it has taken place, to the Penghulu of the mukim or to the Collector of the district. It shall be the duty of the Penghulu to report every such notice received by him forthwith to the Collector.

Notice of all changes of possession to be given to the Collector.

(ii) The Collector, on receiving such notice or report, shall make all such enquiry as may be necessary to ascertain the facts of the alleged transmission or transfer, and if the transmission or transfer appears to have taken place he shall call upon the parties concerned to comply with the requirements of this Enactment next hereinafter mentioned.

(iii) Any person neglecting or refusing to comply with the requirements of this section within three months from the date of the transmission or transfer shall be liable, on conviction, on the prosecution of the Collector, to a fine not exceeding ten dollars.

42. No claim to or interest in any land held under this Part shall be valid unless it has been registered in the Land Office of the district in which it is situate, in accordance with the provisions of this Enactment.

No claim to land valid unless registered.

43. (i) Any person wishing to transfer *or lease* or charge his land shall deliver, or transmit, to the Collector of the district wherein the land to be transferred *or leased* or charged is situated the extract from the register, if any, relating thereto, together with a memorandum, substantially in the form contained in Schedule L, with such variations, if necessary, as the Collector may permit, filled in and duly signed by each of the parties thereto, or if any such party is a minor or person of unsound mind by the guardian, next friend, or other person appointed by the Court to act on behalf of such minor or person of unsound mind.

Mode of effecting transfer or charge.  
E. 41 of 1913.

(ii) Every signature to a memorandum shall be attested by one of the following persons :

(a) Within the Federated Malay States—

A Magistrate ;

A Registrar of Titles ;

A Collector of Land Revenue ; or

An Advocate and Solicitor of the Supreme Court.

(b) In the Colony—

A Justice of the Peace ; or

An Advocate and Solicitor of the Supreme Court of the Colony.

(c) In the United Kingdom of Great Britain and Ireland or in any British Possession other than the Colony—

A Notary Public ;

A Commissioner of the Supreme Court of Judicature empowered to take affidavit in such Court ; or

The Mayor or Recorder or other Chief Officer of any City or Municipal Corporation.

(d) In any other place —

The British Consular Officer ; or

Any person specially appointed by the Chief Secretary in that behalf.

Provided that in all cases in which an official holding a seal of office shall attest any memorandum he shall authenticate his signature by his official seal.

(iii) Where any memorandum purports to be signed by any person as attorney for another, the Collector shall not receive the same for registration unless the power of attorney is produced and is attested in a manner similar to that prescribed by sub-section (ii).

Provided that it shall be lawful for the Collector to accept in place of the original of such power of attorney a copy thereof either sealed with the seal of the Supreme Court of the Colony and marked as an office copy of a duly stamped power of attorney or declared by an endorsement thereon by a Registrar of Titles or a Collector or a Registrar of the Supreme Court in the Federated Malay States to be a true copy of a power of attorney in such officer's custody.

(iv) Where any memorandum purports to be signed by any person on behalf of another who is a minor or of unsound mind the Collector shall not receive the same for registration until he is satisfied by the production of the order of Court or otherwise that such person is duly authorized to act on behalf of the minor or person of unsound mind, as the case may be.

Transaction to be registered.

44. On receiving payment of the prescribed fees and any arrears of rent which may be due, the Collector shall make in the mukim register and on the extract, if any, an entry showing the nature of the transaction and containing a reference to the memorandum on which it is based, and shall sign the same, and shall certify on the said memorandum that such entry has been made in the register, and thereafter shall return the extract, if any, to the party entitled to the custody thereof.

Memorandum to be filed.

45. Every such memorandum shall be filed in the Land Office, and shall bear a number and letter to indicate the entry in the register to which it relates.

Surrender or cancellation of lease.

E. 41 of 1918.

45A. (i) *Upon the production of sufficient evidence that any lease registered under this Part has been surrendered or cancelled by agreement between the parties, the Collector shall write the word "surrendered" or "cancelled," as the case may be, upon the memorandum of the said lease filed in the Land Office and against the entry made in respect thereof under Section 44 and shall affix his signature.*

(ii) *In all other cases, unless it be expressly otherwise provided by the terms of the lease, an order of a competent Court shall be necessary to the cancellation of such a lease.*

**46.** Upon the production of any charge having thereon an endorsement signed by the chargee and attested in a manner similar to that prescribed by Section 43 (ii) to the effect that the charge has been satisfied the Collector shall write the word "satisfied" against the entry relating to such charge, together with the date and the number of such memorandum and shall affix his signature.

Satisfaction of charges.

**47.** (i) It shall be lawful for the Collector, on the application of any chargee, and on being satisfied that default has been made in payment of the interest or of any part thereof or of the principal sum secured by the charge, and that three months' notice in writing demanding payment has been given by the chargee to the owner, to order the sale of the land comprised in the charge, or of such portion thereof as may be necessary.

Sale of land on application of chargee.

(ii) Such sale shall be carried out at the District Land Office, and no chargee shall sell any land comprised in a charge except in accordance with the provisions of this section.

(iii) No order shall be made by the Collector under this section unless and until a written notice of the application shall have been served on all persons who would be affected by such order, and such persons have had an opportunity of appearing before the Collector.

**47A.** *Where by a memorandum of charge executed after the 1st day of February, 1920, land is charged under the provisions of this Part for securing the repayment of money, no proceedings shall be instituted or conducted or decree or order made in any Court for the recovery of such money or any part thereof unless and until recourse shall have been had to all remedies available under Section 47 for the recovery thereof.*

Restriction on remedies of chargee.

E. 29 of 1919.

**48.** (i) An executor or administrator or person claiming by any form of succession may produce to the Collector the probate or letters of administration granted to him, and thereupon the Collector shall, *except in the case of land in respect whereof an application can under the provisions of sub-section (i) of Section 37A be made to the Collector,* make under his hand in the mukim register and on the extract, if any, an entry showing the date of the probate or letters of administration and the date and hour of the production of the same to him and shall add the words "as representative" after the name of the person to whom such probate or letters of administration were granted, and upon such entry being made such person shall, subject to the provisions of any Probate and Administration Enactment, be deemed to be the registered owner of such land or interest or of such part thereof as shall for the time being remain undisposed of, and the Collector shall note the fact of such registration by memorandum under his hand on the probate or letters of administration. Any person registered as the representative of a deceased person shall hold the land or interest in respect of which he is registered for the purposes to which the same is applicable according to equity and good conscience and subject to any trusts upon which such

Transmission.

E. 41 of 1918

deceased person held the same, but for the purposes of any registered dealings with such land or interest he shall, subject to the provisions of any Probate and Administration Enactment and of this Enactment, be deemed to be the absolute owner thereof.

Power to call  
for documents.

E. 29 of 1919.

48A. (i) *The Collector may by notice under his hand require the owner of, or any other person interested in, any land in respect of which any transfer, transmission, or other dealing is about to be registered under this Enactment to produce, within such period (not being less than fourteen days) after the service on him of the notice as may be stated in the notice, any extract from the mukim register, charge, lease, will, or other instrument in his possession or under his control relating to such land, and the person so required shall be legally bound to produce the same accordingly.*

(ii) *Every notice issued under this section shall have effect throughout the Federated Malay States.*

E. 41 of 1918.

(iii) *In any case in which no successor to or legal representative of any deceased person shall have been registered, it shall be lawful for the Collector at any time after the expiration of twelve months from the death of such person and after notification in two successive issues of the Gazette and after the expiration of one month from the date of posting on the land notice of the intention to do so, to resume on behalf of the Ruler of the State any lands standing in the name of such deceased person in the mukim register: provided that no such resumption shall be carried out during the pendency of proceedings before any Collector or Court to establish the claim of any person to succeed to the rights of, or to act as legal representative of, such deceased person.*

(iv) *Nothing contained in this section shall be deemed to vary or invalidate the procedure provided by any law in force for the time being to regulate the succession to estates of small value.*

Rectification  
of register.

E. 41 of 1918.

E. 28 of 1920.

49. (i) *Any person claiming any estate or interest in land under this Part, not being an estate or interest in respect whereof an application can under the provisions of sub-section (i) of Section 37A be made to the Collector, may, at any time, if his claim cannot be properly dealt with under Section 37, apply to the Commissioner for an order that any register book or journal kept at any Land Office under this Enactment shall be rectified, or that any entry may be made or interpolated in any such register book or journal, or that any entry therein may be cancelled: and the Commissioner may either refuse such application, or, if satisfied as to the justice of the case, may make such order in reference thereto as he may think just.*

(ii) *The Collector and every other person affected by such order of the Commissioner shall obey the same upon being served with a copy of such order.*

(iii) *Any person aggrieved by any refusal or order of the Commissioner under sub-section (i) may appeal to the Court: provided that such appeal shall not be admitted after the expiration of thirty days from the date of the decision appealed against.*

(iv) *No Court other than a Court of a Judicial Commissioner shall have any jurisdiction in matters provided for by this section.*



**49A.** (i) *No attachment by order of Court shall affect any land held by entry in the mukim register until the Collector of the district within which such land is situate shall be served with a copy of the prohibitory order, sufficiently specifying the land sought to be affected thereby; the Collector shall forthwith, after marking upon such copy the time of such service, enter a memorandum thereof in the mukim register.*

Attachment by  
order of Court.

E. 41 of 1918.

(ii) *Such entry shall operate as a caveat against registration of any dealing with the land so specified other than in pursuance of the proceedings in which the attachment was ordered while the same remains in force, and after any land so specified shall, as a result of the said proceedings, have been sold by order of Court the Collector shall, on receiving a transfer thereof substantially in the form contained in schedule L<sup>1</sup>, make an entry thereof in the mukim register, and on such entry being made the purchaser shall be deemed the owner of such land; provided that until a memorandum shall have been entered as prescribed by sub-section (i) no sale or transfer in the course of the said proceedings shall be valid as against a purchaser for valuable consideration, notwithstanding that the purchaser had actual notice of the said proceedings.*

(iii) *Upon production to the Collector of sufficient evidence of the satisfaction of any claim in pursuance whereof the attachment was ordered and the copy of the prohibitory order served as aforesaid, he shall cause an entry to be made in the mukim register to that effect, and on such entry such claim shall be deemed to be satisfied.*

(iv) *Every such attachment shall cease to affect any land specified as aforesaid unless a transfer upon a sale in pursuance of the proceedings in which the attachment was ordered shall be registered within six months from the day on which the copy of the prohibitory order is served, and upon the expiration of that period the Collector shall cancel in the mukim register the said memorandum.*

**50.** Any person claiming to be interested under any will, settlement, or trust deed, or any instrument of transfer or transmission, or under any unregistered instrument, or otherwise howsoever, and if such person is a minor or of unsound mind the guardian, next friend, or other person appointed by the Court to act on behalf of such minor or person of unsound mind, in any land under this Part held by entry in the mukim register may lodge a caveat with the Collector to the effect that no disposition of such land be made either absolutely or in such manner and to such extent only as in such caveat may be expressed, or until notice shall have been served on the caveator, or unless the instrument of disposition be expressed to be subject to the claim of the caveator, as may be required in such caveat, or to any conditions conformable to law expressed therein.

Caveat may  
be lodged.

(i) A caveat may be in the form contained in Schedule M, and shall be verified by the affirmation of the caveator or his agent, and shall contain an address within the State at which notices may be served.

Form of caveat.

(ii) Upon the receipt of a caveat the Collector shall make a memorandum thereon of the date and hour of the receipt thereof,

Notice to  
caveatee.

and shall enter a memorandum thereof in the mukim register, and shall forthwith send a notice of such caveat, through the post office or otherwise, to the person against whose title such caveat shall have been lodged, hereinafter called "the caveatee."

Effect of  
caveat.

(iii) So long as any caveat shall remain in force prohibiting the transfer of, or other dealing with, land, the Collector shall not enter in the mukim register any memorandum of transfer or other instrument purporting to transfer or otherwise deal with or affect the land in respect of which such caveat may be lodged; provided that the Collector may make any entry required to be made in the mukim register under Section 75 notwithstanding the terms of any caveat.

Caveator may  
be required  
to show cause.

(iv) The owner or other person claiming land may by summons call upon the caveator to attend before the Court to show cause why the said caveat should not be withdrawn, and it shall be lawful for the Court, upon proof that such last-mentioned person has been summoned, and upon such evidence as the Court may require, to make such order in the premises, either *ex parte* or otherwise, as to the Court shall seem fit. And where a question of right or title shall require to be determined the proceedings shall be as nearly as may be in conformity with the rules of Court in relation to civil causes.

Removal of  
caveat.

(v) Except in the case of a caveat lodged by the Collector the caveatee may make application in writing to the Collector to remove such caveat, and thereupon the Collector shall give twenty-one days' notice in writing to the caveator requiring that the caveat be withdrawn, and after the lapse of twenty-one days from the date of the service of such notice at the address mentioned in the caveat the Collector shall remove such caveat from the register by entering a memorandum that the same is discharged, unless he shall have been previously served with an order of the Court extending the time as herein provided.

Caveatee to  
give address.

(vi) Such caveatee shall in such application give an address in the State at which notices and proceedings may be served.

Extension of  
time to  
caveator.

(vii) The caveator may, either before or after receiving such notice from the Collector, apply by summons to the Court for an order to extend the time beyond the twenty-one days mentioned in such notice, and such summons may be served at the address given in the application of the caveatee, and it shall be lawful for the Court, upon proof that the caveatee has been summoned, and upon such evidence as the Court may require, to make such order in the premises, either *ex parte* or otherwise, as to the Court shall seem fit.

Withdrawal  
of caveat.

(viii) The caveator may, by notice in writing to the Collector, withdraw his caveat at any time, but such withdrawal shall not prejudice the power of the Court to make an order as to payment by the caveator of the costs of the caveatee incurred prior to the receipt by the caveatee of notice in writing of the withdrawal of such caveat.

Record of  
withdrawal,  
lapse, or  
removal.

(ix) An entry shall be made by the Collector in the register of the withdrawal, lapse, or removal of any caveat or of any order made by the Court.

(x) It shall not be lawful for the same person, or for anyone on his behalf, to lodge a further caveat in relation to the same matter, but the Collector may alter or amend the same in such manner and on such terms as may seem just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the caveator and caveatee, and nothing herein contained shall prejudice the right of the Collector to enter or continue any caveat under the powers vested in him by sub-section (xii).

Prohibition of further caveats by same person in same matter.

(xi) Any person other than the Collector lodging or continuing any caveat wrongfully and without reasonable cause shall be liable to make compensation to any person who may have sustained damage thereby.

Compensation by person wrongfully lodging caveat.

(xii) The Collector may at any time enter a caveat on behalf of the Ruler of the State, or on behalf of any person who may be under the disability of infancy, lunacy, unsoundness of mind, or absence from the State, to prohibit the transfer of, or any dealing with, any land belonging or supposed to belong to the State or to any such persons as hereinbefore mentioned, and also to prohibit any dealing with any land in any case in which it shall appear to him that an error has been made by misdescription of such land or otherwise in any document of title or other instrument, or for the prevention of any fraud or improper dealing.

Caveat by Collector.

51. All lands under this Part shall be measured and demarcated with permanent boundary marks, and the Collector may at any time, in case of dispute, direct a survey to be made of any of the said lands, and may order the party found to be in the wrong to pay the whole or any part of the cost of such survey according to the prescribed scale.

Demarcation.

## PART IV.

### COUNTRY LANDS EXCEEDING 100 ACRES IN AREA.

52. Nothing contained in this Part shall apply to lands not exceeding 100 acres in area or to lands included within the boundaries of any township or village.

Country lands: large areas.

53. Alienation of State land under this Part may be by auction or otherwise as the Resident may from time to time generally or in particular cases direct.

Mode of alienation.

54. Except with the approval of the Chief Secretary no land other than land bought at auction shall be granted or leased to any person, whether as sole or joint proprietor, if the aggregate area of land other than land bought at auction granted or leased to such person, whether as sole or joint proprietor, will thereby exceed 640 acres.

Limitation of aggregate area to be granted to one person.

55. (i) Every grant under this Part for an area not exceeding 640 acres shall be substantially in the form of Schedule D (i) for Perak, Selangor, and Pahang, and in the form of Schedule D (ii) for Negri Sembilan, and shall be sealed with the public seal of the State and signed by the Resident.

Obligations and conditions of grants.

(ii) Every grant or lease under this Part for an area not exceeding 640 acres shall be subject to the obligations and conditions described in Sections 26 and 27.

Right of  
re-entry.

**56.** (i) In every such grant or lease there shall, by virtue of this Enactment, be impliedly reserved the right to re-enter on the said land in any of the following events—that is to say :

- (a) If a *bonâ fide* commencement be not made to cultivate the land within twelve months from the date of the grant or lease ;
- (b) If the said land be not cultivated to the extent of one-quarter of the total area within five years from the date of the grant or lease ;

and to resume such portions thereof as are not then under cultivation: provided that there shall, in any such case, be reserved to the grantee or lessee such belts of jungle and other plots of land as may be necessary for the purpose of maintaining or protecting existing cultivation, or for the proper and effectual management of the estate; and provided further that there shall also be reserved to the grantee or lessee the right to retain possession of two acres of land in respect of each acre then being under cultivation.

(ii) In the case of any grantee or lessee who shall have fulfilled the condition of cultivating one-quarter of the area comprised in his grant or lease within the required period of five years, there shall be endorsed on such grant or lease and signed by the Resident a memorandum to the effect that the above condition has been fulfilled and that no further liability attaches to the said land in respect thereof. And in the case of contiguous blocks of land held by the same person there shall be no right of re-entry under sub-section (i) (b) if one-quarter of the total area of such contiguous blocks be cultivated within five years from the date of the first grant or lease under which any of such blocks is held.

(iii) In this section the term “cultivation” with its cognate expressions means, in the case of land expressed to be alienated for other than agricultural purposes, the effective use of the land for the purpose for which it was alienated ; and the term “contiguous blocks” means such blocks as are not separated from each other by alienated land held by another person or by State land, other than such State land as is required for roads, railways, or waterways, or by land reserved under Section 9, other than land so reserved for any of the said purposes.

Areas exceeding  
640 acres.

**57.** Every grant under this Part for an area exceeding 640 acres shall be sealed with the public seal of the State and signed by the Resident, and every grant or lease under this Part for an area exceeding 640 acres shall be subject to the obligations and conditions described in Sections 26 and 27, and to such other conditions as to cultivation, rent, forfeiture, and otherwise as the Resident, with the approval of the Chief Secretary, may in each case impose : provided that whenever any such grant or lease or any certificate of title for an area exceeding 640 acres issued pursuant to any such grant or lease shall be sub-divided, every sub-division thereof

which shall be for an area not exceeding 640 acres shall be subject to such conditions as to cultivation, rent, forfeiture, and otherwise as the Resident, with the approval of the Chief Secretary, may in each case impose.

## PART V.

### DEMARCATIION AND SURVEY.

**58.** Any Collector, Settlement Officer, Surveyor, Demarcator, or Land Measurer appointed by and acting under the authority of the Resident may, at any reasonable time, enter upon all lands which he is required to demarcate or survey, and upon lands contiguous thereto, and may make all enquiries, and may fix or place any stone, post, pillar, or other boundary mark in or upon the land, and may dig up any ground for the purpose of fixing the same, and may cut down and remove any timber or other growth which may obstruct any survey line : provided always that as little damage as possible shall be done to the land or to any property thereon.

General powers.

**59.** (i) The Settlement Officer may cause a notice, substantially in the form of Schedule N. to be served on any person owning, occupying, or otherwise interested in any such land, and any land abutting thereon, or on any person employed on or connected with such land, requiring such person to attend before him at a time and place to be stated in the notice, for the purpose of pointing out the boundaries of such land, or of rendering aid in setting up or repairing the boundary marks, or of affording assistance or information for the purpose of the demarcation or survey.

Notice to procure attendance.

(ii) Every person upon whom such notice may be served shall be legally bound to attend as required by the notice and, so far as he may be able, to do any of the things mentioned therein.

**60.** The Settlement Officer may cause a notice, substantially in the form of Schedule O, to be served on any owner or occupier of such lands, requiring him to clear any boundary line, or to cut any line which may be necessary for the purposes of demarcation, or to provide labour or otherwise assist in such work ; and, if it is necessary to employ hired labour for such purposes, the Settlement Officer may assess and recover from such owner or occupier the cost of the same.

Clearing of boundary lines.

**61.** (i) If it is necessary to remove or destroy any trees, fences, crops, or other property of value in order to effect the clearance of any line, the Settlement Officer shall assess the value of the same and shall pay or tender the amount so assessed to the owners thereof.

Compensation for injury done by clearance.

(ii) Any dispute regarding the sufficiency of the amount so paid or tendered shall be determined by the Collector, whose decision shall be final.

(iii) Provided that the assessment shall be made before the property is removed or destroyed.

Notice to persons to give information or to produce documents.

**62.** The Settlement Officer may issue a notice, substantially in the form of Schedule P, calling upon any person who can give any information respecting the boundaries of the land, or in whose possession or power any document relating to such boundaries is alleged to be, to attend before him and give such information, or produce such document on a date and at a place to be mentioned in the notice. Every person on whom such notice is served shall be legally bound to attend and to give such information, and to produce such document as is required by the notice.

Boundary marks to be erected.

**63.** The Settlement Officer shall, after making due enquiry, mark out the boundaries of the land, and shall, unless permanent boundary marks of a suitable description have already been erected, cause the same to be erected, in such manner and number as he may consider sufficient, and may recover the cost thereof from the owner.

Power to place marks under charge of owner and occupier.

**64.** The Collector may cause a notice, substantially in the form of Schedule Q, to be served on any owner or occupier, placing under his charge any boundary marks erected on the boundary of his land, and such owner or occupier shall thereupon preserve the same and shall give immediate notice to the Collector or to the nearest Penghulu if any such marks are injured, destroyed, or removed.

Power to re-erect and repair boundary marks.

**65.** Whenever a Collector becomes aware that any boundary mark in his district has been injured, destroyed, or removed he may cause the same to be replaced or repaired, and may recover the expenses of so doing from the person who is bound to preserve such mark.

Duties of Penghulus.

**66.** It shall be the duty of every Penghulu of a mukim or other native headman to prevent the obliteration of any boundary line and the destruction, injury, or alteration of any boundary marks within the local limits of his jurisdiction, and to report immediately to the Collector whenever he becomes aware that any such line remains so obliterated or that any such mark has been so interfered with.

Removal of or interference with survey and land marks.

**67.** No land mark, boundary mark, trigonometrical station, semaphore, or other survey mark, shall be defaced, obliterated, removed, injured, or otherwise impaired, destroyed, or rendered useless, except by a person duly authorized thereto by the officer having control of such station or mark, and any person acting in contravention of this section shall be liable, upon conviction by a Magistrate, to the penalty provided by the Penal Code, and may further be ordered to pay a sum not exceeding three times the cost of repairing or replacing such station or mark, and of making any survey rendered necessary by the act for which such conviction was had, the amount to be recovered by the process provided for the recovery of fines. Should any person have occasion to require the temporary or permanent removal or alteration of any such station or mark, he shall make an application in writing to that effect to the officer having control of the same, setting forth the reasons for such application, whereupon such officer may comply with such application and shall be entitled to recover from the applicant the cost of such work as may be thereby entailed.

## PART VI.

## COLLECTION OF LAND REVENUE.

**68.** Every sum now due or which shall hereafter become due to the Ruler of the State on account of rent or of any revenue due in respect of land may be recovered in the manner hereinafter provided.

Land revenue recoverable.

**69.** When any such sum has fallen due and a written notice of demand, substantially in the form of Schedule R, has been served on any one of the persons liable therefor, or if such person is a minor or person of unsound mind on the guardian, next friend, or other person appointed by the Court to act on behalf of such minor or person of unsound mind, and a period of fifteen days, or such further time as may have been allowed by the Collector, has elapsed from the date of such service without such sum having been paid or satisfied, such sum shall be an "arrear," and every person liable for it shall be a "defaulter."

"Arrear" and "Defaulter" defined.

**70.** With a view to the recovery of an arrear the Collector may issue an attachment, substantially in the form of Schedule S, and may seize, by virtue thereof, any personal property of the defaulter wherever the same may be found within the Federated Malay States and may also seize any effects or any crops to whomsoever belonging which may be found on the land in respect of which the arrear is due, and may, not less than three days after such seizure, sell the same by public auction: provided that in the case of growing crops it shall be lawful for the purchaser to retain possession thereof on the ground until ripe, and thereafter to reap or remove the same.

Proceedings against personal property and crops.

**71.** (i) The attachment may be made by an officer deputed by the Collector for that purpose, who shall issue a notice, substantially in the form of Schedule T, and shall take an inventory of the property attached.

Attachment may be made by subordinate officer.

(ii) Such officer shall be deemed to be a public servant within the meaning of the Penal Code.

**72.** If the procedure prescribed by the two preceding sections proves ineffective for the recovery in full of the arrear and costs the Collector may proceed against the land in respect of which the arrear is due as next hereinafter provided.

Proceedings against the land.

**73.** The Collector may issue a notice of sale of the land, substantially in the form of Schedule U, and if at the expiration of the period of four months therein mentioned the arrear has not been paid or satisfied he may sell by public auction the whole of such land, or such part thereof or such interest therein as he may deem sufficient to satisfy the same together with the costs of all processes relating thereto.

Notice of sale.

**74.** The proceeds of any sale under Section 70 or Section 73 shall be applied, in the first place, in satisfaction of the arrear and costs, and in the event of there being any surplus remaining the Collector shall, if he is satisfied as to the right of any person claiming such

Application of proceeds.

surplus, pay the amount thereof to such person, and, if he is not so satisfied, shall place the amount on deposit in the Treasury of the State to be held in trust for the person who may ultimately succeed in establishing his claim hereto.

Title conferred  
on purchaser.

**75.** The purchaser at a sale held under Section 73 shall, upon payment of his purchase money to the Collector, be entitled to have the title to the land or interest so purchased by him duly registered in his name, without the payment of any fee therefor, and such registration shall have the effect of transferring to and vesting in him such land or interest free of all encumbrances created by or derived from the defaulter or his predecessor in title, except such as are expressly reserved by the Collector at the time of sale.

Notice to  
deliver title.

**76.** The Collector may, by a notice, substantially in the form of Schedule V, require the defaulter or any person in possession of any document of title relating to the land which, or a part of or interest in which, has been so sold or offered for sale as aforesaid, to deliver to him such document of title, and such defaulter or other person shall be legally bound to comply with such notice. In any case in which it may be found impossible to recover such document of title it shall be lawful for the Collector to issue a new document of title in the place of the former one, and thereupon the former document of title shall be deemed to be cancelled and the new document to be for all intents and purposes the only title for the land comprised therein.

Penalty for  
fraudulently  
dealing with  
title.

**77.** Any person dishonestly and fraudulently using any document of title relating to the land which, or a part of or interest in which, has been so sold as aforesaid, in a manner inconsistent with the rights of the purchaser, after service on him of the notice required by the preceding section, shall be deemed to have committed, or to have attempted to commit, the offence defined in Section 415 of the Penal Code.

Power to stop  
sale.

**78.** If any person tenders to the Collector the amount of the arrear and costs at any time previous to the sale, the Collector shall, upon receipt of the same, desist from all further proceedings in respect thereof.

Application  
to Court.

**79.** If any person whose property, crop, or land has been attached or advertised for sale under the provisions of this Part disputes the propriety of such attachment or sale, he may, in the case of movable property, apply to the Court of the nearest Magistrate, and, in the case of immovable property, to a Court of a Judicial Commissioner for an order to stay the proceedings, and such Court, after hearing the Collector and making such further enquiry as may be necessary, shall make such order as may be just.

Reversion to  
the State of  
land not sold.

**80.** If at any such sale as aforesaid there shall be no bid sufficient to cover the amount due for arrears and costs, the collector shall record the fact in the auction sale book, and upon such record being made the said land shall revert to and be vested in the Ruler of the State, and all right, title, and interest of the defaulter therein shall cease. In every such case the Collector shall make an entry to the above effect under his hand on the duplicate of the document of title or in the mukim register, as the case may be.



## PART VII.

ACQUISITION OF LAND FOR RESIDENTIAL  
RESERVES OR PUBLIC PURPOSES.

81. Whenever it appears to the Resident that land in any locality is likely to be needed for a residential reserve or for any public purpose, a notification to that effect shall be published in the *Gazette*, and the Collector shall publish the substance of such notification at convenient places in such locality, and thereupon it shall be lawful for any person, either generally or specially authorized by the Resident, and for his servants and workmen, to do all or any of the following things—viz.,

Power to enter  
and survey.

(i) To enter upon and survey and take levels of any land in the said locality ;

(ii) To dig or bore into the sub-soil ;

(iii) To do all other acts necessary to ascertain whether the land is adapted for such purpose ;

(iv) To set out the boundaries of the land proposed to be taken and the intended line of the work proposed to be made thereon ;

(v) To mark such levels, boundaries, and line by placing marks and cutting trenches ;

(vi) Where otherwise the survey cannot be completed, the levels taken or the boundaries or line of the work marked, to cut down and clear away any standing crop, fence, or jungle.

82. Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Previous notice  
of entry.

83. All damages done by proceedings taken under Section 81 shall be assessed and paid by the Collector on complaint being made to him by the party suffering the same, subject to reference to arbitration, and to the Court, in the manner hereinafter provided.

Payment for  
damage.

84. Whenever it has been determined to resume any land for a residential reserve or any public purpose, a declaration to that effect shall be published in the *Gazette*, stating the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and all other particulars necessary for identifying it, and the place where and the time when a plan of the land may be inspected, and thereupon it shall be lawful for any person either generally or specially authorized by the Resident in that behalf to enter into possession of such land.

Declaration  
that land is  
required for a  
public purpose.

85. (i) After the publication of the declaration mentioned in the preceding section in the *Gazette* the Collector shall cause public notice to be given at convenient places on or near the said land stating that the Government intends to take possession thereof and that claims to compensation for all interests therein may be made to him.

Notice on the  
land.

(ii) Every such notice shall state the particulars of the land and shall require all persons interested therein to appear, personally or by agent, before the Collector at a time and place mentioned in the notice (such time not being earlier than twenty-one days after the posting of the notices), and to state the nature of their respective interests in the land, and the amount and particulars of their claims to compensation for such interests.

Notice to  
occupiers and  
persons  
interested.

**86.** The Collector shall also cause a notice to the same effect to be served on the occupier (if any) of such land, and on all persons known or believed to be interested therein, or their duly authorized agents : provided that if any such person, having no agent, resides outside the limits of the State and his address is known, the notice may be sent to him by registered letter and a reasonable time allowed for reply thereto.

Persons legally  
bound to make  
statements.

**87.** Every person required to make or deliver a statement under this Part shall be legally bound to do so within the meaning of Sections 175 and 176 of the Penal Code.

Enquiry into  
value and  
amount of  
compensation.

**88.** On the day mentioned in the notice the Collector shall proceed to hold an enquiry into the value of the land, and as soon thereafter as possible to determine the amount of compensation which in his opinion should be paid therefor, and shall offer, in writing, such amount to the persons interested.

Award in case  
of agreement.

**89.** If the Collector and all the persons interested agree as to the amount of compensation to be paid, the Collector shall make an award under his hand for the same. Such award shall be filed in the District Land Office, and shall be conclusive evidence, as between the Government and the persons interested, of the value of the land and of the amount of compensation to be paid for the same.

Procedure in  
case of dispute  
as to apportion-  
ment.

**90.** If any dispute arises as to the apportionment of the same or any part thereof, the Collector shall settle such dispute, subject to an appeal to the Court, which may be brought within one month of the date of the award.

Interim award  
in absence of  
parties.

**91.** If any person whom the Collector has reason to believe to be interested does not attend after due service of notice, the Collector may proceed in his absence to determine the amount of the compensation to be paid and may make an interim award under his hand for the same, which award shall thereupon be published in each issue of the *Gazette* for a period of three months, at the expiration of which time—unless in the meanwhile such person shall have protested against the award in writing to the Collector stating the ground of his protest and giving a reasonable explanation of his previous non-attendance—such award shall become absolute and final as against such person. In the event of such a protest being received by the Collector within such period of three months, accompanied by a reasonable explanation of the previous non-attendance, the Collector shall re-open his enquiry and proceed as though no interim award had been made.

Reference to  
arbitration.

**92.** If the Collector is unable to agree with the persons interested who have attended in pursuance of the notice, as to the amount of the compensation to be paid, or if any question arises of which he is unable to dispose, he shall refer the matter to arbitration in the manner hereinafter provided.

**93.** Reference to arbitration shall be made in the manner following : How to be made.

The Collector shall cause a notice in writing to be served on each of the persons whom he has reason to believe to be interested in the land, or who claim to be so interested, requiring him to state, on or before a day to be therein mentioned, the sum which he claims as compensation for his interest in the land.

**94.** He shall at the same time cause to be served on the parties so interested, or claiming to be interested, a notice in writing requiring them to appoint within the time mentioned by the notice (which shall not be less than twenty-one days from the date of the publication of the notice), a competent person to act as arbitrator for the parties interested in determining the amount of the compensation. Notice to appoint arbitrator.

**95.** He shall also appoint a competent person to act as arbitrator for the Government. Collector to appoint arbitrator.

**96.** Every person so appointed shall be legally bound to attend and act as arbitrator unless excused for some reason to be approved by the Resident. Arbitrators legally bound to act.

**97.** The arbitrators so appointed shall meet at a place and time to be fixed by the Collector, and shall thereupon hold an enquiry and proceed to determine the amount of compensation to be paid for the land, and the persons to whom and the proportions in which the same is to be paid. Enquiry by arbitrators.

**98.** The Collector shall furnish, for the information of the arbitrators, a statement, in writing, setting forth the following particulars : Collector to furnish statement to arbitrators.

- (i) The situation and extent of the land ;
- (ii) The names and description of the residences and occupations of the persons whom he has reason to believe to be interested in the land, or who claim to be so interested ;
- (iii) The amount of compensation offered by him, or which he is prepared to offer ;
- (iv) The grounds on which such amount was determined ;
- (v) The amount which each of the parties interested claims as compensation for such interest.

**99.** For the purpose of any enquiry under this Part, the Collector or arbitrators shall have the same power of summoning and enforcing the attendance of witnesses, and of compelling the production of documents, and of postponing the enquiry from time to time, as the ordinary Courts of the State have in civil suits. Powers of Collector and arbitrators.

**100.** If the arbitrators agree as to the amount of compensation to be paid and as to the persons to whom and the proportion in which the same is to be distributed, they shall make an award, in writing under their hands, setting forth the same, and such award shall be final, and shall be filed in the place and in the manner provided by Section 89. Award by arbitrators.

**101.** If the arbitrators are unable to agree upon the matters referred to them for decision, they shall make a report in writing to that effect to the Collector, setting out the differences which exist between them and the points on which they are agreed. Report by arbitrators in case of disagreement.

Reference to  
Court.

**102.** The Collector shall thereupon refer the matter for the decision of the Court by forwarding the report of the arbitrators, together with a copy of the statement furnished by him to the arbitrators as required by Section 98, and the Court shall thereupon, as soon as conveniently may be, proceed to determine the amount of the compensation, and no appeal shall be allowed from the order of the Court thereon : provided that if no arbitrator is appointed under Section 94, the Collector's offer under Section 88 shall be referred for the decision of the Court.

Fees to  
arbitrators.

**103.** Every arbitrator (not being an officer of the Government) may receive such fee for his services as the Resident or the Court shall direct : provided that such fee shall not exceed fifty dollars a day.

Costs.

**104.** (i) The costs of all proceedings taken under this Part shall be paid in the first instance by the Collector.

(ii) When the amount awarded does not exceed the sum offered by the Collector, such costs shall be paid by the person interested.

(iii) When the amount awarded exceeds the sum so offered but the Court considers that the claim of the person interested was extravagant or that he was negligent in putting his case before the Collector, the Court may at its discretion make such order as to costs as it may think fit.

Order of Court.

**105.** Every order of Court made under this Part shall be in writing, and shall specify :

(i) The amount of compensation, and the persons to whom and in what proportion it is to be paid ;

(ii) The amount of costs incurred in the proceedings, and by what persons and in what proportions they are to be paid.

Matters to be  
considered in  
determining  
compensation.

**106.** The amount of compensation to be awarded for land acquired under this Part shall be made up of the following particulars :

- (a) the fair market value at the date of the publication of the notification under Section 81, if such notification shall within six months from the date thereof be followed by a declaration under Section 84 in respect of the same land, or in other cases the fair market value at the date of the publication of the declaration under Section 84, due regard being in all cases had to the nature and the condition of the property and in the case of buildings to their probable duration in their existing state and to the state of repair thereof ;
- (b) the damage, if any, sustained by the person interested at the time of awarding compensation by reason of severing such land from his other land ;
- (c) the damage, if any, sustained by the person interested at the time of awarding compensation by reason of the acquisition injuriously affecting his other property, whether movable or immovable, in any other manner or his actual earnings ; and
- (d) if in consequence of the acquisition he is compelled to change his residence or place of business, the reasonable expenses, if any, of such change.

**107.** In determining the amount of compensation to be awarded for land acquired under this Part, the particulars following shall not, nor shall any of them, be taken into consideration :

Matters to be neglected in determining compensation.

- (a) the degree of urgency which has led to the acquisition ;
- (b) any disinclination of the person interested to part with the land acquired ;
- (c) any damage sustained by the person interested which, if caused by a private person, would not be a good cause of action ;
- (d) any damage, which after the time of awarding compensation, is likely to be caused by or in consequence of the use to which the land acquired will be put ;
- (e) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired ;
- (f) any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put ;
- (g) any outlay or improvements on the land acquired or any addition to or improvement of any buildings thereon made, commenced, or effected with the intention of enhancing the compensation to be awarded therefor or made, commenced, or effected within the six months next following the date of the publication of the notification under Section 81 or at any time after the publication of the declaration under Section 84, unless in the case of any addition to or improvement of any building such addition or improvement was necessary for the safety of the building ;
- (h) any separate estimate of the value of any interest acquired within the six months next following the date of the publication of the notification under Section 81 or at any time after the publication of the declaration under Section 84.

**108.** In the assessment of compensation for land acquired under this Part for the improvement of an unhealthy area in any township or village, evidence shall be receivable by the Court to prove

Special provisions for determining compensation in unhealthy areas in towns or villages.

- (1) that the rental of any house or premises thereon was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates ; or
- (2) that any house or premises thereon are in such a condition as to be a nuisance, within the meaning of the laws relating to nuisances, or are in a state of defective sanitation, or are not in reasonably good repair ; or
- (3) that the house or premises are unfit, and not reasonably capable of being made fit, for human habitation ;

and, if the Court is satisfied by such evidence, then the compensation

- (a) shall in the first case, so far as it is based on rental, be based on the rental which would have been obtainable if the house or premises were occupied for legal purposes and only by the number of persons whom the house or premises were under all the circumstances of the case fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates ; and
- (b) shall in the second case be the amount estimated as the value of the house or premises if the nuisance had been abated or if they had been put into a sanitary condition or into reasonably good repair, after deducting the estimated expense of abating the nuisance or putting them into such condition or repair, as the case may be ; and
- (c) shall in the third case be the value of the land and of the materials of the buildings thereon.

Payment of  
compensation  
and interest.

**109.** Payment of the compensation shall be made by the Collector, according to the award or order of Court, and interest at the rate of six per cent. per annum shall be allowed on the amount of compensation from the date on which the Government entered into possession of the land to the date on which the Collector has signified to the parties interested his readiness to pay, or, when the parties interested are unknown or cannot be found, to the date on which the Court has made an order : provided that no interest shall be allowed if the amount of compensation awarded by the arbitrators or by the Court is not more than the amount offered under Section 88.

Percentage for  
compulsory  
acquisition.

**110.** In addition to the amount of any compensation awarded under this Part the Collector shall, in consideration of the compulsory nature of the acquisition, pay an amount not exceeding ten per centum on the market value mentioned in Section 106 ; provided that when the compensation is in respect of land acquired for the improvement of an unhealthy area in a township or village there shall be no additional allowance in respect of compulsory acquisition.

Abandonment  
of proceedings.

**111.** Nothing in this Part shall be taken to compel the Government to complete the acquisition of any land unless an order of Court under Section 105 shall have been made, but the Government may at any time, except as aforesaid, abandon any proceedings under this Part by publishing in the *Gazette* a declaration that the same are abandoned and thereupon the provisions of the preceding sections of this Part shall cease to apply to the said proceedings.

Provided that whenever the Government shall abandon proceedings for the acquisition of any land under this Part, as aforesaid, the Collector shall cause public notice of such abandonment to be given at convenient places on or near the said land and shall also cause notice thereof to be served on all persons on whom notice of the said proceedings was served under Section 86 and shall determine the amount of compensation due for the damage (if any) done to such land under Section 81 or Section 84 and not already paid for under Section 83 and shall pay such amount to the person

injured and shall pay to the persons interested all such costs as shall have been incurred by them by reason or in consequence of the proceedings for acquisition, together with compensation for the damage (if any) which they may have sustained by reason or in consequence of such proceedings.

**112.** The provisions of this Part shall not be put in force for the purpose of acquiring a part only of any house, manufactory, or other building if any person interested desire that the whole of such house, manufactory, or building shall be so acquired; provided that such person interested may, at any time before the Collector has made an offer under Section 88 or an award under Section 89, by notice in writing withdraw or modify his expressed desire that the whole of such house, manufactory, or building shall be so acquired.

Part of house or building not to be taken.

**113.** Where the provisions of this Part are put in force for the purpose of acquiring land at the cost of any public fund, the charges incurred by the Collector in such acquisition shall be defrayed from such fund.

Payment of charges from public funds.

**114.** When any land has been resumed under this Part an entry shall be made in the books of the Land Office of the district in which the land is situate, or in the Register of Titles kept under any Registration of Titles Enactment, as the case may require, to the effect that such land has vested in the Ruler of the State. Upon such entry being made the land shall vest in the Ruler of the State free of encumbrances.

Entry in registers.

**115.** No award or agreement made under this Part shall be chargeable with stamp duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Exemption from stamp duty and fee.

## PART VIII.

### TRESPASSES AND PENALTIES.

**116.** Whoever shall fraudulently alter, add to, erase, deface, or destroy, or permit to be altered, added to, erased, defaced, or destroyed, any entry in any register book authorized or required to be kept by this Enactment, or in any certified copy of any entry in such register book, shall, on conviction, be punished with imprisonment of either description for a term not exceeding seven years, and shall also be liable to fine.

Penalty for fraudulent dealing with register books.

**117.** Whoever shall carelessly destroy, injure, mutilate, deface, or lose any register book authorized or required to be kept by this Enactment, or shall carelessly allow any such register book to be destroyed, injured, mutilated, defaced, or lost whilst in his custody or keeping, shall, on conviction thereof by a Court of a Judicial Commissioner, be punished with simple imprisonment for a term not exceeding six months, or with fine, or with both.

Penalty for destroying or injuring register books.

**118.** It shall be lawful for a Magistrate, upon the information of the Collector or other public servant charging any person or persons with being in unlawful occupation of any State land, to issue a

Information of encroachment.

summons for the appearance before him of the party or parties so informed against and of any other person or persons whom it may be necessary or proper to examine as a witness or witnesses on the hearing of any such information.

Removal of  
unlawful  
occupants.

**119.** The Magistrate shall proceed in a summary way, in the presence of the parties, or, in case of wilful absence of any person against whom such information shall have been laid, then in his absence, to hear and determine such information; and, on being satisfied of the truth thereof, such Magistrate shall issue his warrant, addressed to any police officer, requiring him forthwith to dispossess and remove such person from such land, and, on behalf of the Ruler of the State, to take possession of the land, together with all crops growing thereon and all buildings and other immovable property upon and affixed thereto, and the person to whom such warrant is addressed shall forthwith carry the same into execution.

Forms.

**120.** The said information, summons, and warrant may be in the form or to the effect, respectively, of Schedules W, X, and Y.

Penalties for  
trespassing.

**121.** Any person who shall be found unlawfully occupying any State land, either by residing or by erecting any house, hut, or other building thereon, or by clearing, enclosing, or cultivating any part thereof, or cutting timber or produce thereon, or who shall directly or indirectly abet the commission of such act or trespass by another person, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred dollars, or, in default of the payment thereof, to imprisonment of either description for a term not exceeding six months.

Penalties for  
other offences.

**122.** If any person, not licensed or otherwise authorized in that behalf under Section 18, shall cut, dig, or take from any State land any product in such section mentioned, or remove or sell the same, every such person shall, on conviction before a Magistrate, be liable to a fine not exceeding five hundred dollars, or, in default of payment thereof, to imprisonment of either description for a term not exceeding six months; and if the offence be in respect of any land reserved under Section 9, to a fine not exceeding one thousand dollars, or, in default of payment thereof, to imprisonment of either description for a term not exceeding twelve months.

Recovery of  
expenses.

**123.** It shall be lawful for the Magistrate before whom any person shall be convicted of an offence under Section 121 or Section 122 to order such person to pay, in addition to any fine which shall have been imposed for such offence, the value of any timber or other property cut down, destroyed, or injured upon such land during any period of the unlawful occupation thereof by such person, and the expense of any survey which shall have become necessary for proving such unlawful occupation or for ascertaining the extent thereof. For the purpose of ascertaining such value and expense, a certificate under the hand of the Collector shall be held, until the contrary be proved, to be proof that the sum therein set down is the true amount to be recovered from such person in respect of such value and expense as aforesaid. Any sum so ordered to be paid may be recovered by the process provided for the recovery of fines.



**124.** Any person who shall wilfully neglect to comply with the requirements of any notice duly served upon him under Section 15 shall be liable on conviction to a fine not exceeding twenty-five dollars.

Penalty for disobedience to notice.

**125.** Any person offending against the provisions of any section of this Enactment for which no penalty is otherwise by this Enactment provided shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred dollars, or, in default of the payment thereof, to imprisonment of either description for a term not exceeding four months.

Penalties not otherwise provided.

**126.** Any person offending against the provisions of any rule made under this Enactment shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred dollars, or, in default of the payment thereof, to imprisonment of either description for a term not exceeding four months.

Penalty for breach of rules.

**127.** Every unauthorized interference with or encroachment on any public road, street, highway, or waterway by a building or other erection, or by enclosure or planting, or by filling up or obstructing any ditch, or by making any drain or water-course, or by breaking up or injuring such road, street, highway, or waterway or otherwise, shall be immediately abated and removed by the written order of the Collector, and the party or parties offending may be ordered, on conviction before a Magistrate, to pay such damages as the Magistrate shall order and the expenses of such abatement.

Encroachment on road, etc., may be abated.

**128.** It shall be lawful for all Penghulus and Native Headmen within their respective jurisdictions, and they are hereby required, to arrest without warrant and take before a Magistrate any person whom they shall find committing any offence punishable under this Enactment.

Arrest without warrant.

**129.** Every Penghulu and Native Headman who shall wilfully refuse or neglect to give every information within his knowledge or power, immediately, to the Collector of the district in which he may be employed, of any encroachment upon any State land, and any such person who shall without lawful excuse neglect or refuse to do and perform any of the duties imposed on him by this Enactment, shall be guilty of an offence and shall be liable, on conviction thereof before a Magistrate, to a fine not exceeding one hundred dollars.

Penghulus to give information.

**129A.** *Nothing in "The Courts Enactment, 1918," contained shall operate to interfere with any jurisdiction or power given in this Part to a Magistrate.*

Powers unaffected by "The Courts Enactment, 1918."  
E. 41 of 1918.

## PART IX.

### PROTECTION OF OFFICERS.

**130.** (i) No action shall be brought against any person for anything done or *bonâ fide* intended to be done in the exercise or supposed exercise of the powers given by this Enactment, or by any rules made thereunder—

Provisions as to actions.

- (a) Without giving to such person one month's previous notice in writing of the intended action, and of the cause thereof ;
- (b) After the expiration of three months from the date of the accrual of the cause of action ;
- (c) After tender of sufficient amends.
- (ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if, at the trial, the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.
- (iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court before which the action is tried shall certify its approbation of the action.

## SCHEDULE A.

## Section 1 (ii).

## ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak ..	13 of 1903	The Land Enactment, 1903	The whole
„ ..	11 of 1906	The Land Enactment, 1903, Amendment Enactment, 1906	„
„ ..	3 of 1909	Do., 1909 (No. 2)	„
„ ..	10 of 1909	Do., 1909 (No. 3)	„
„ ..	20 of 1909	Do., 1909 (No. 4)	„
Selangor ..	8 of 1903	The Land Enactment, 1903	„
„ ..	4 of 1906	The Land Enactment, 1903, Amendment Enactment, 1906	„
„ ..	4 of 1909	Do., 1909	„
„ ..	9 of 1909	Do., 1909 (No. 3)	„
„ ..	19 of 1909	Do., 1909 (No. 4)	„
N. Sembilan	17 of 1903	The Land Enactment, 1903	„
„ ..	10 of 1906	The Land Enactment, 1903, Amendment Enactment, 1906	„
„ ..	3 of 1909	Do., 1909 (No. 2)	„
„ ..	8 of 1909	Do., 1909 (No. 3)	„
„ ..	20 of 1909	Do., 1909 (No. 4)	„
Pahang ..	9 of 1903	The Land Enactment, 1903	„
„ ..	5 of 1906	The Land Enactment, 1903, Amendment Enactment, 1906	„
„ ..	8 of 1909	Do., 1909 (No. 2)	„
„ ..	20 of 1909	Do., 1909 (No. 3)	„
„ ..	25 of 1909	Do., 1909 (No. 4)	„

## SCHEDULE B.

## Section 5.

NOTICE OF RE-ENTRY UPON LAND FOR BREACH OF  
CONDITION OF DOCUMENT OF TITLE.

To.....

Take notice that, whereas you have failed to comply with one of the conditions of .....No.....dated.....by.....the land described in such.....is liable to forfeiture: you are hereby required within the period of three months from the date of this notice, to.....

And take notice further that, unless within the above-mentioned period you comply with the requirements of this notice, I shall re-enter upon and resume possession of the land comprised in such.....on behalf of the Ruler of the State.

Dated this.....day of.....19...

.....

*Collector of Land Revenue.*

## SCHEDULE C.

## Section 17.

## NOTICE OF LOSS OF DOCUMENT OF TITLE.

Application having been made to the Collector.....at.....by .....for.....in the.....of.....on the ground that.....is the registered owner thereof and that the original.....has been..

In accordance with the provisions of Section 17 of "The Land Enactment, 1911," notice is hereby given that, unless within.....months from the date of publication of this notice, good cause be shewn to the Collector of Land Revenue for refusing this application, the.....applied for will, subject to the provisions of the said Section 17, be granted.

.....

*Collector of Land Revenue.*

## SCHEDULE D (i).

Sections 25, 32, 55.

(For Perak, Selangor, and Pahang.)

GOVERNMENT OF.....

## GRANT FOR LAND.

Register of Titles....., Volume....., Folio.....

District of.....

No.....

Annual rent.....

Know all men by these presents that I,.....Resident of....., in consideration of....., do hereby under and by virtue of the power conferred on me by "The Land Enactment, 1911," on behalf of His Highness the Sultan of .....grant unto.....

All that piece of land situate at....., containing by measurement.....acres....., roods, and .....poles, more or less, and bounded as follows, that is to say :

.....

which said piece of land, with the dimensions, abutments, and boundaries thereof, is delineated on the plan drawn on these presents and more particularly on Revenue Survey Plan No....., deposited in....., to hold for ever, subject to the payment therefor of the annual rent of dollars.....cents....., and to the provisions and conditions contained in the said Enactment and also to the special conditions hereunder written.

## SPECIAL CONDITIONS.

In witness whereof I, the said  
Resident, have hereunto set my  
hand and the public seal of the  
State at.....this.....day of  
.....One thousand nine  
hundred and.....

Registered at....., this.....day of....., 19....

No.....

No. of former Title.....

Presentation No.....

.....,  
*Registrar of Titles.*

## SCHEDULE D (ii).

Sections 25, 32, 55.

(For Negri Sembilan.)

GOVERNMENT OF NEGRI SEMBILAN.

## GRANT FOR LAND.

Register of Titles....., Volume....., Folio.....

District of.....

No.....

Annual rent.....

Know all men by these presents that I.....Resident of Negri Sembilan, in consideration of....., do hereby under and by virtue of the power conferred on me by "The Land Enactment, 1911," in the name and on behalf of His Highness the Yang di Pertuan and Chiefs of Negri Sembilan grant unto.....

All that piece of land situated in....., containing by measurement.....acres,.....roods, and.....poles, more or less, which said piece of land, with the dimensions, abuttals, and boundaries thereof, is delineated on the plan drawn on these presents and more particularly on Revenue Survey Plan No.....deposited in....., to hold for ever, subject to the payment therefor of the annual rent of.....dollars.....cents, and to the provisions and conditions contained in the said Enactment and also to the special conditions hereunder written.

## SPECIAL CONDITIONS.

In witness whereof I, the said  
Resident, have hereunto set my  
hand and the public seal of the  
State of Negri Sembilan at.....  
this.....day of.....One  
thousand nine hundred and  
.....

Countersigned by.....

Registered at....., this.....day of. ...., 19..

No.....

No. of former Title.....

Presentation No.....

.....,

*Registrar of Titles.*



## SCHEDULE G.

## Section 34.

## GOVERNMENT OF.....

## EXTRACT FROM THE REGISTER, MUKIM OF.....

Serial Number.	Survey No., if different.	Number and Nature of Former Title.	Name of Owner.	Area.	Boundaries.	Nature of Cultivation.	Special Conditions.	Name of Kampong or Place.	Subsequent Proceedings.	Date of Registration.	Date of Issue of Extract.	Annual Rent.	Remarks.
				A. R. P.								<div> <div>Rs</div> <div>c.</div> </div>	

I hereby certify that the above is a true copy of the entry in the Mukim Register.

Land Office.....

Date.....

.....  
*Collector of Land Revenue.*

## SCHEDULE H.

## Section 36.

## NOTICE OF RESUMPTION OF LAND FOR ABANDONMENT.

To.....

Take notice that whereas you have abandoned the land described hereunder in the mukim of.....the said land is liable to forfeiture under the provisions of Section 36 of "The Land Enactment, 1911," and that unless within three months from the date of this notice you are able to shew, to the satisfaction of the Resident, that you have not abandoned such land, or unless you enter or re-enter into occupation of such land by making a *bonâ fide* commencement to cultivate it, the said land will, at the expiration of that time, be forfeited and resumed by me on behalf of the Ruler of the State.

Dated this.....day of....., 19..

.....  
*Collector of Land Revenue.*

## DESCRIPTION OF LAND.

## SCHEDULE J.

## Section 37.

NOTICE UNDER SECTION 37 OF "THE LAND  
ENACTMENT, 1911."

Notice is hereby given that.....of.....claims to be entitled to a piece of land at.....measuring.....acres, or thereabouts, and bounded as follows :

.....  
and has applied to me to make an order declaring that he is so entitled.

Any person having any objection to make to such order must lodge such objection at the Land Office at.....on or before the .....day of....., 19... No objection will be received after that date.

.....  
*Collector of Land Revenue.*

## SCHEDULE K.

## Section 37.

ORDER OF COLLECTOR UNDER SECTION 37 OF  
"THE LAND ENACTMENT, 1911."

Whereas upon the application of.....of.....made to me on the.....day of....., 19.., under Section 37 of "The Land Enactment, 1911," I have duly enquired into the claim of the said .....to be registered as the owner of a piece of land at.....measuring.....acres, or thereabouts, and described at the foot of this order :

Now, I,....., Collector,.....having, on enquiry, satisfied myself that.....is so entitled, do hereby declare that he is the owner of such land.

.....  
*Collector of Land Revenue.*

Dated this.....day of....., 19..

## DESCRIPTION OF LAND.

*Schedule K.<sup>1</sup>*

## Section 37A.

NOTICE UNDER SECTION 37A OF "THE LAND  
ENACTMENT, 1911."

Notice is hereby given that.....of.....claims to succeed to the ownership of a piece of land at....., measuring.....acres, or thereabouts, and bounded as follows :

.....  
which piece of land was lately owned by.....of....., now deceased, and has applied to me to record him in the mukim register as owner thereof.



*Any person having any objection to make to compliance with the said application must lodge such objection at the Land Office at..... on or before the.....day of....., 19... No objection will be received after that date.*

.....  
*Collector of Land Revenue.*

*Schedule K.<sup>2</sup>*

Section 37A.

*ORDER OF COLLECTOR UNDER SECTION 37A OF  
 "THE LAND ENACTMENT, 1911."*

*Whereas upon the application of.....of.....made to me on the.....day of....., 19..., under Section 37A of "The Land Enactment, 1911," I have duly enquired into the claim of the said .....to be registered as the owner, by right of succession to....., deceased, of a piece of land at....., measuring.....acres, or thereabouts, and described at the foot of this order :*

*Now, I,....., Collector,..... having, on enquiry, satisfied myself that.....is so entitled, do hereby declare that he is the owner of such land.*

.....  
*Collector of Land Revenue.*

*Dated this.....day of....., 19..*

*DESCRIPTION OF LAND.*

SCHEDULE L.

Section 43.

MEMORANDUM OF TRANSFER.

*I,....., being registered as the owner of the land described in .....No.....and registered in the Land Office of the..... district (subject to such charges as are notified by memorandum endorsed hereon, and to the annual rent of S.....):*

*In consideration of the sum of.....paid to me by....., the receipt of which sum I hereby acknowledge, do hereby transfer to the said.....all my right, title, and interest in the said land.*

*In witness whereof I have hereunto set my hand this.....day of....., 19..*

.....  
*Transferor.*

*I hereby accept this transfer in the terms herein stated.*

.....  
*Transferee.*

Signed by the above-named }  
 Transferor in the presence of }  
 Signed by the above-named }  
 Transferee in the presence of }

*Entry made in the Register, Volume..... Folio.....*

.....  
*Collector of Land Revenue.*

## MEMORANDUM OF LEASE.

E. 41 of 1918.

*I, . . . . ., being registered as the owner under entry No. . . . . in the mukim register of the mukim of . . . . . in the district of . . . . . (subject to such charges as are notified by memorandum endorsed hereon and to the annual rent of \$ . . . . .) of that piece of land containing [here state area] or thereabouts and situated at . . . . . [If the land to be leased is less than the whole area held under the said entry in the mukim register, state the boundaries of the land to be leased in chains, links, or feet and refer to plan (if any) thereof on margin of or annexed to the lease or deposited in the Revenue Survey Office] do hereby lease to . . . . . of . . . . . (hereinafter called the lessee) the said piece of land, to be held by him for the term of . . . . . years from the . . . . . day of . . . . ., 19. . ., at the yearly rental of \$ . . . . ., payable [here insert terms of payment of rent], subject to the following conditions, viz. :*

- (1) that the lessee shall pay the rent hereby reserved at the times and in the manner aforesaid ;*
- (2) that the lessee shall duly maintain all marks by which the boundaries of the said land are defined ;*
- (3) that no portion of the said land shall be used for the burial of a human body ;*
- (4) that the lessee shall not obstruct the exercise by any public officer of any right vested in such public officer in respect of the said land ;*
- (5) that the lessee shall not transfer or underlet this lease to any person or corporation.*

[Add any other desired conditions.]

*In the event of breach of any of the foregoing conditions numbered . . . . . this lease shall be liable to forfeiture by order of the Collector for the district of . . . . . or of a competent Court.*

*I . . . . . of . . . . . hereby accept this lease and agree to be bound by the conditions and stipulations hereinbefore set forth.*

*In witness whereof I, the said . . . . ., and I, the said . . . . ., have hereunto set our hands this . . . . . day of . . . . ., 19. . .*

[Signature of Lessor.]

[Signature of Lessee.]

*Signed by [Lessor] in the presence of . . . . .*

*Signed by [Lessee] in the presence of . . . . .*

[Endorse memorandum of charges.]

## MEMORANDUM OF CHARGE.

*I, . . . . ., being registered as the owner of the land described in . . . . . No. . . . . and registered in the Land Office of the . . . . . district (subject to such charges as are hereby notified by memorandum endorsed hereon, and to the annual rent of \$ . . . . .) :*

In consideration of the sum of.....lent to me by.....(hereinafter called the chargee), the receipt of which sum I hereby acknowledge, do hereby bind myself to pay to him interest on the said sum of.....at the rate of.....per cent. per annum, by equal.....payments on the.....in every year, and will repay to him the said sum of.....on....., 19....

In default of payment of the interest or of any part thereof, or of the principal sum hereby secured, it shall be lawful for the said chargee, after the expiration of three months' notice served upon me or at my usual or last known place of abode within the State, to obtain an order from the Collector for the sale of the said land.

If any default be made in payment of the interest due upon this charge the said principal sum shall immediately thereon become due, and payable on demand being made by the said chargee by notice served as above mentioned.

<sup>1</sup> And I further bind myself that I will insure all buildings on the said land for the sum of.....in the joint names of the said chargee and myself, in such office as he may from time to time direct, and should default be made herein it shall be lawful for the said chargee to insure the same and to recover the costs and charges of so doing in the same manner as arrears of interest.

And for the better securing the repayment of the said principal sum and interest I hereby charge the land above described with such principal sum and interest.

In witness whereof I have hereunto set my hand this.....day of....., 19..

.....  
Owner.

Signed by the above-named }  
owner in the presence of }

Entry made in the Register, Volume..... Folio.....

.....  
Collector of Land Revenue.

### *Schedule L.<sup>1</sup>*

E. 41 of 1918.

#### Section 49A.

### *FORM OF TRANSFER OF LAND SOLD IN EXECUTION OF A DECREE.*

*I, ....., the person appointed to execute the warrant hereinafter mentioned, in pursuance of a warrant of sale dated the.....day of....., 19... and issued out of the Court of.....in an action wherein.....is the plaintiff and.....the defendant, which said .....is registered as the owner of the land hereinafter described subject to the charges and to the annual rent notified hereunder, do hereby, in consideration of the sum of \$.. paid to me by.....,*

<sup>1</sup> This clause may be deleted by consent of both parties.

*transfer to the said.....all that piece of land* [here insert a sufficient description of the land, and refer to the entry in the mukim register under which the same is held].

*Dated the.....day of.....19...*

*Signed by the said.....in the }  
presence of.....*

*Signed by the said..... }  
(transferee) in the presence of.....*

*(Charges and Rent referred to.)*

#### SCHEDULE M.

##### Section 50.

#### CAVEAT FORBIDDING REGISTRATION OF DEALING WITH LAND.

To the Collector of Land Revenue of the.....District.

Take notice that I, A.B., of [residence and description] claiming [here state the nature of the interest and the grounds upon which such claim is founded] in [here describe land and refer to entry in the mukim register] forbid the registration of any dealing with the before-mentioned land until this caveat be withdrawn by the caveator or by the order of a Court of a Judicial Commissioner or unless such dealing be subject to the claim of the caveator, or until after the lapse of 21 days from the date of the service of notice by the caveatee at the following address :

Address for service of notice.....

Dated this.....day of....., 19..

.....  
(Signature.)

I, the above-named A.B. (or C.D., of [residence and description], agent for the above A.B.), affirm that the allegations in the above caveat are true in substance and in fact (or [if no personal knowledge] as I have been informed and verily believe).

#### SCHEDULE N.

##### Section 59.

#### NOTICE TO PROCURE ATTENDANCE.

To.....of.....

In the mukim of.....

Take notice that, by virtue of the power given to me by Section 59 of "The Land Enactment, 1911," you are hereby required to meet me at.....on.....the.....day of....., 19... at..... o'clock in the .....noon, and there to.....

.....  
*Settlement Officer.*

SCHEDULE O.

Section 60.

NOTICE TO CLEAR BOUNDARIES, ETC.

To.....of.....

In the mukim of.....

Take notice that, by virtue of the power given to me by Section 60 of "The Land Enactment, 1911," you are hereby required to .....

In default of your so doing I shall cause the work to be done at your expense.

.....

*Settlement Officer.*

SCHEDULE P.

Section 62.

NOTICE TO SUPPLY INFORMATION.

To.....of.....in the mukim of.....

Whereas I have been credibly informed that you.....

Take notice that, by virtue of the power given to me by Section 62 of "The Land Enactment, 1911," you are hereby required to .....at.....on.....the.....day of..... 19.., at.....o'clock in the.....noon.

.....

*Settlement Officer.*

SCHEDULE Q.

Section 64.

NOTICE TO PRESERVE BOUNDARY MARKS.

To.....of.....in the mukim of.....

Take notice that, by virtue of the powers given to me by Section 64 of "The Land Enactment, 1911," I hereby direct that the boundary marks,.....in number, erected on the boundaries of your land at.....and particularly mentioned on the back hereof, be placed under your charge, and you are hereby required to preserve them and to give immediate notice at the nearest Land Office of the State if any of the said marks are injured or removed.

.....

*Collector of Land Revenue.*

## SCHEDULE R.

## Section 69.

## NOTICE OF DEMAND.

District of.....No.....

To.....or present occupant :

Take notice, you are hereby required to pay at.....the.....  
 due by you for the period.....amounting to \$.....within  
 15 days from the date of the service hereof; in default of payment  
 within the period specified, the amount of the arrears due, together  
 with the costs of process, will be recovered under the powers  
 contained in " The Land Enactment, 1911."

Dated at.....this.....day of.....19..

\$ c.

Current rent for 19.. .. ..

Arrears for....years—viz., 19.. to 19.. ..

Notice fee .. .. .

Total ..

Land Office,.....

*Collector of Land Revenue.*

....., 19..

## SCHEDULE S.

## Section 70.

## WARRANT OF ATTACHMENT.

To.....

Whereas by a notice of demand served or published on the.....  
 day of....., 19.., .....was required to pay.....at  
 .....the sum of \$.....(being arrears and costs recoverable  
 under " The Land Enactment, 1911 "), as noted in the margin, and  
 whereas the said sum of \$.....has not been paid :

Current rent for 19 ..	\$	c.
Arrears for years—viz.. ) 19....to 19.... )		
Notice fee .. ..		
Attachment fee .. ..		
Costs .. ..		
Total		

These are to command  
 you to attach the personal  
 property of the said.....  
 wherever the same may be  
 found within the State, and  
 also any effects or crops,  
 to whomsoever belonging,  
 which may be found on the  
 land held under.....No.  
 .....of.....in the dis-  
 trict of.....and, unless the  
 said sum of \$.....together  
 with \$....., the cost of  
 this attachment, be paid, to  
 hold the same until further  
 orders.

You are further commanded to return this warrant on or before the.....day of....., 19.., with an endorsement certifying the date and manner in which it has been executed, or why it has not been executed.

Given under my hand and seal this.....day of....., 19..

(Seal.)

.....

*Collector of Land Revenue.*

#### SCHEDULE T.

##### Section 71.

#### NOTICE OF ATTACHMENT.

Whereas.....has failed to satisfy an arrear of land revenue amounting, with costs, to \$.....: Notice is hereby given that the property specified at the foot hereof has been attached under a warrant of attachment issued by the Collector of Land Revenue, dated the.....day of....., and the said.....and all persons are hereby prohibited from disposing of or removing the said property, and all other persons are prohibited from receiving the same by purchase, gift, or otherwise.

.....the.....of....., 19..

.....

*Bailiff.*

#### SCHEDULE U.

##### Section 73.

#### NOTICE OF SALE OF LAND.

Whereas by a notice of demand served or published on the..... day of....., 19.., .....was required to pay at.....the sum of \$.....being arrears and costs recoverable under "The Land Enactment, 1911," and whereas the said sum has not been paid and cannot be recovered in the manner prescribed by Section 70 of the said Enactment:

Notice is hereby given that at the expiration of four months from the date of this notice, I shall proceed to sell by public auction the land hereunder described (being the land in respect of which the arrear is due), and all persons are hereby warned against disposing of the land so described by sale, gift, or otherwise, and against receiving the same by purchase, gift, or otherwise.

Given under my hand and seal this.....day of....., 19..

.....

(Seal.)

*Collector of Land Revenue.*

#### DESCRIPTION OF LAND.

## SCHEDULE V.

## Section 76.

## NOTICE TO DELIVER TITLE.

To.....of.....

Whereas the land described at the foot hereof was sold by public auction on the.....day of.....to satisfy a claim of \$.....for.....due to the Ruler of the State, and whereas I am credibly informed that you are in possession of

Take notice that, by virtue of the powers conferred upon me by Section 76 of "The Land Enactment, 1911," you are hereby required to deliver up to me the said.....at my office at.....within.....days from the service upon you of this notice.

.....  
*Collector of Land Revenue.*

## DESCRIPTION OF LAND.

## SCHEDULE W.

## Section 120.

INFORMATION AND COMPLAINT AGAINST UNLAWFUL  
OCCUPATION OF STATE LANDS.

The information and complaint of A.B., taken this.....day of....., 19..., before the undersigned, a Magistrate in and for the State of....., now saith that C.D., of....., is in unlawful occupation of certain State lands—namely,.....

Sworn before me the day and year first above mentioned, at

.....  
*Magistrate.*

## SCHEDULE X.

## Section 120.

## SUMMONS TO UNLAWFUL OCCUPANT.

In the matter of "The Land Enactment, 1911," and between....  
.....Complainant, and.....Occupant :

You are hereby summoned to appear at.....before.....  
on the.....day of.....at.....o'clock in the forenoon, to  
answer the complaint of.....that you are in the unlawful  
occupation of certain State land :

Dated this.....day of....., 19...

In case you fail to obey this summons, upon proof of service of the same the complaint will be heard in your absence and such order made as to the Magistrate shall seem fit.

.....  
*Magistrate.*



## SCHEDULE Y.

## Section 120.

## WARRANT TO DISPOSSESS UNLAWFUL OCCUPANT.

In the matter of "The Land Enactment, 1911," and between  
 .....Complainant, and A.B., Occupant :

To....., the.....of.....and all Police Officers :

Whereas it has been made to appear to me and I have adjudged  
 that the said A.B. is in unlawful occupation of.....

These are therefore to require you, the said.....and others, to  
 eject the said A.B., and all other persons from the said land, and to  
 take possession thereof together with all crops growing thereon and  
 all buildings and other immovable property thereon on behalf of the  
 Ruler of the State, and for so doing this shall be your warrant.

Given under my hand and seal, this... ..day of....., 19...  
 at.....

.....

(Seal.)

*Magistrate.*

## ENACTMENT NO. 12 OF 1911.

As amended by Fed. E. 11 of 1916, 11 of 1917, and 10 of 1918.

### An Enactment relating to Mining.

ARTHUR YOUNG, [24th November, 1911.  
*President of the Federal Council.* 1st July, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

#### PART I.

#### PRELIMINARY.

Short title and  
commence-  
ment.

1. This Enactment may be cited as “The Mining Enactment, 1911,” and shall come into force upon such a date as the Chief Secretary to Government may, by notification in the *Gazette*, appoint.

Repeal.

2. (i) The Enactments mentioned in Schedule A are hereby repealed to the extent specified in the fourth column of that schedule.

Saving of  
existing rights.

(ii) Nothing in this Enactment shall invalidate any title to occupy land for mining purposes lawfully granted under any Enactment hereby repealed or under any prior Enactment, or in the absence of an express provision in that behalf abrogate any of the rights or privileges expressly conferred thereby: provided that every such title, right, or privilege shall be limited to the extent prescribed by the Enactment under or by virtue of which the same was granted or conferred; and provided further that, save as by such title or Enactment is expressly otherwise provided, it shall be incumbent upon a lessee or occupier of the said land to hold and work the same in accordance with the conditions set forth in this Enactment, and in all respects as if his title to occupy the same were a lease issued under this Enactment.

Titles promised  
before com-  
mencement of  
Enactment.

(iii) In any case in which, before the commencement of this Enactment, the Resident has promised to any person a mining title under any Enactment hereby repealed or under any prior Enactment, such title may be issued after the commencement of this Enactment in the same way as if this Enactment had not been passed or, at the discretion of the Resident, a lease may be issued under this Enactment.

Existing  
appointments  
and rules.

(iv) All appointments made and all rules which may be in force as law under the provisions of the Enactments hereby repealed shall, so far as they are consistent with the provisions of this Enactment, be deemed to have been made under this Enactment.

3. In this Enactment and in any rules made thereunder the following terms shall, if not inconsistent with the context or subject matter, have the respective meanings hereby assigned to them—

Interpretation.

The words the "State" mean with reference to any particular right, privilege, or interest, or any duty or obligation connected therewith or any matter whatsoever incidental thereto, the State in which such right, privilege, or interest exists or has existed, or is or has been claimed, or may be created, and the words "the Ruler" and "the Resident" mean, respectively, the Ruler or Rulers of that State and the Resident of that State ;

The State, the Ruler, the Resident.

"State land" means all lands which have not been and may not hereafter be reserved for any public purpose, or which have not been and may not hereafter be leased or granted to or are not and may not hereafter be lawfully occupied by any person, and includes all lands which at the commencement of this Enactment may have become or which hereafter may become forfeited by reason of any breach of the conditions on which the same have been lawfully occupied, or which have been or may hereafter be surrendered to the State by the lawful owner thereof ;

State land.

"Lease" means a lease of land for mining purposes issued by or under the authority of the Ruler of the State, and includes a lease for such purposes issued prior to the commencement of this Enactment ;

Lease.

"Occupier" includes every person registered in the Land Office as the lessee or sub-lessee of mining land under this Enactment or under any of the Enactments hereby repealed ;

Occupier.

"Chief Secretary" means the Chief Secretary to Government, Federated Malay States ;

Chief Secretary.

"The Court" means the Court of a Judicial Commissioner ;

The Court.

"Collector" means any Collector or Assistant Collector duly appointed under "The Land Enactment, " ;

Collector.

"Warden" means a Warden of Mines appointed under this Enactment and includes Assistant Warden ;

Warden.

"Inspector" means an Inspector of Mines appointed under this Enactment.

Inspector.

"Sub-lease" means any sub-lease of the whole or a part of the area leased for any portion of the term of the lease and includes a sub-lease granted by a sub-lessee.

E. 11 of 1917.

"To alienate," with its grammatical variations and cognate expressions, has the meaning assigned thereto in "The Land Enactment, 1911."

E. 11 of 1916.

## PART II.

### AUTHORITY TO WORK MINING LANDS AND ACQUISITION OF TITLE WITH SUCH AUTHORITY.

4. Subject to the provisions of this Enactment the Resident may from time to time on behalf of the Ruler of the State lease State land for mining purposes for such terms as may be stated in the

Disposal of State land.

leases, and may direct whether the right to mine any such land shall be disposed of by public auction or tender or in compliance with an application lodged therefor or otherwise and whether premium shall or shall not be charged in respect thereof.

Oil rights with-  
held unless  
expressly  
granted.

E. 11 of 1916.

4A. *No lease, certificate, or other document of title, whether issued before or after the commencement of this Enactment, shall vest in any person any right to work or take any oil shales or mineral oil unless such right be conferred in express terms by the lease, certificate, or document.*

Application for  
mining land,  
how made.

5. Any person wishing to apply for any State land for the purpose of mining must lodge in the land office of the district an application substantially in the form of Schedule B, setting out the position and approximate area of such land and giving an address at which notices shall be served, and any notice served at such address shall be deemed to be duly served. Every such application must be accompanied by a deposit of money sufficient to cover the prescribed fees.

How applica-  
tion to be  
dealt with.

6. The Collector shall thereupon, if in his opinion the particulars contained in the application are sufficient, mark such application with a distinctive number and shall note thereon the day and hour of receipt and shall file the same in the land office and enter the particulars thereof in an index of applications to be kept in the land office. All applications shall be numbered and entered in the index according to the order in which the same are received, but so that priority of application shall give no claim or priority of claim to the grant of a lease.

Procedure upon  
approval of  
application.

7. Should an application be approved, permanent boundary marks shall be erected and the land surveyed.

Mining certifi-  
cate and pro-  
visions as to  
same.

8. (i) Should the applicant desire to commence mining operations before the survey can be completed and the lease issued, it shall be lawful for the Collector, with the written consent of the Resident, to issue to the applicant, after the land has been demarcated, a certificate, to be prepared in duplicate, substantially in the form of Schedule C, having thereon a sketch plan of the land, and such applicant may then enter upon, occupy, and work the land therein described *in accordance with the terms of the certificate.*

E. 11 of 1916.

(ii) Every such certificate shall, so far as the circumstances permit, confer the same rights and privileges and be subject to the same conditions, obligations, liabilities, and other provisions of this Enactment as a lease *for the same purposes* granted under this Enactment.

E. 11 of 1916.

(iii) No claim shall be maintainable in respect of the subsequent alienation of any portion of the land included in the certificate, unless the applicant has strictly complied with the terms of Section 16 sub-section (ii).

(iv) Any lease granted under this Enactment in respect of State land for which a certificate has previously been issued under this section shall, if such certificate is still in force, be dated as from the date of such certificate, and all covenants, agreements, and obligations under such lease shall, unless the Resident otherwise directs, be deemed to commence from such date.

9. (i) Upon receipt of a certified plan shewing the area of the land with the boundaries and abutments of the same and the position of all boundary marks the Collector shall cause to be prepared a lease for the land in duplicate substantially in the form of Schedule D, with such plan delineated thereon. Upon the completion of the lease, the Collector shall cause to be served at the registered place of address of the applicant, and if possible upon such applicant personally, a notice substantially in the form (i) given in the Schedule E. In the event of the applicant failing to comply with the requirements of such notice within three months from the date of service thereof, it shall be lawful for the Collector to cancel such application, and, if a certificate has been issued under Section 8, to cancel such certificate.

Mining lease.

Procedure before signature by applicant.

(ii) Any applicant may at any time upon payment of all expenses cancel his application by a notice in writing addressed to the Collector.

Applicant may cancel application.

10. Whenever any lease has been signed by the applicant in accordance with the provisions of the last preceding section, the Collector shall forward the same to the Resident in order that the same may be signed by him and the public seal of the State be affixed thereto, and, upon the return of the same duly executed, he shall cause to be served at the registered address of the applicant, and if possible upon such applicant personally, a notice substantially in the form (ii) given in Schedule E. In the event of the applicant failing to comply with the requirements of such notice within three months from the date of service thereof, it shall be lawful for the Collector to cancel such application, and, if a certificate has been issued under Section 8, to cancel such certificate, and the Collector shall return the lease to the Resident for cancellation.

Procedure after signature by applicant.

11. The notices prescribed by Sections 9 and 10 may, if personal service cannot be effected and there is no registered place of address, be served in such manner as may be prescribed by rule under Section 125.

Service of notices.

12. When any lease has been prepared in pursuance of an application made under any previous Enactment the provisions of the three last preceding sections shall be applicable in respect thereof and the Collector shall have the like power in respect of any certificate issued pursuant to such application as authority for the commencement of mining operations pending the issue of a lease as if such certificate had been issued under Section 8.

Extended application of preceding sections.

13. No applicant shall by the payment of survey fees, the signing of a lease, or in any way other than by obtaining a certificate under Section 8, be deemed to have acquired any right to claim the issue of a lease to him in respect of the land for which he has applied; but any application for a lease may, except as aforesaid, be refused by the Resident at any time before such lease has been issued to the applicant. This sub-section applies to applications made before, as well as to those made after, the commencement of this Enactment.

Applicant not to be deemed to have acquired right to lease.

## REGISTER OF MINING LEASES AND CERTIFICATES.

Provisions as to  
registration of  
leases and other  
transactions.

14. (i) The Collector shall keep a register, to be called the "Register of Mining Leases," and shall bind up therein the duplicates of all leases issued under this Enactment, and each lease shall constitute a separate folium of such register and the Collector shall record therein the particulars of all instruments, dealings, and other matters by this Enactment required to be registered or entered in the register affecting the land contained in each lease.

(ii) The Collector shall also keep a similar register of certificates issued under Section 8.

## PROVISIONS AS TO MINING LEASES.

Implied rights  
of lessee.

E. 11 of 1916.

15. Every lease *not expressed to be for working mineral oil only*, shall vest in the lessee thereof in the absence of any express provision to the contrary the following rights, and such other rights, if any, as may be expressly set forth therein :

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(i) The right to work all metals and minerals found upon or beneath the land, *other than oil shales and mineral oil*, and, subject to the provisions of sub-section (iii), to remove, dispose of, dress, and treat the same during such term as may be mentioned in the lease ;

(ii) The right to use such portion of land as may be required for the purpose of erecting such houses, cooly lines, sheds, or other buildings, or of growing such plants and vegetables, or of keeping such animals and poultry, as may in the opinion of the Warden be reasonable for the purposes of the mine or for the use of the coolies ;

(iii) The exclusive right, subject to the provisions of Section 16 sub-section (ix), to all timber and other jungle produce upon the land, but no right to remove beyond the boundaries of the land for any purpose (excepting only for the extraction therefrom of any metal or mineral ore) any timber or other jungle produce or any granite, limestone, laterite or other stone, coral, shell, guano, sand, loam, or clay obtained from the said land, or any bricks, lime, or other commodities manufactured from the materials aforesaid, without license granted under the provisions of "The Land Enactment, 1911," or any rules made thereunder.

Implied rights  
in oil lease.

E. 11 of 1916.

15A. *Every lease expressed to be for working mineral oil shall vest in the lessee thereof in the absence of any express provision to the contrary the following rights and such other rights, if any, as may be expressly set forth therein :*

(i) *the right to work and raise within the area specified in the lease all oil shales and mineral oils and to treat the same within the said area and to dispose of the same subject to such conditions regarding the disposal thereof as may be expressed or implied in the lease ;*

(ii) *the right to make, sink, construct, and maintain within the said area all such wells, workings, borings, pipe lines, fittings, and appliances as may be necessary or proper for working, raising, treating, or conveying oil shales and mineral oil in or from the said area ;*

(iii) *the rights specified in paragraphs (ii) and (iii) of Section 15 except in so far as the same relate to extraction of metal or mineral oil.*

16. There shall be implied in every lease *not expressed to be for working mineral oil only* in the absence of any express provision to the contrary the following covenants and conditions on the part of the lessee, and such other covenants and conditions, if any, as may be expressly set forth therein :

Implied conditions on part of lessee.  
E. 11 of 1916.

(i) That the lessee will duly pay the quit-rent *and any royalty that may become due* to the State at such time and place and in such manner as may from time to time be prescribed, and to such persons as may from time to time be authorized to receive the same ;

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(ii) That all landmarks by which the boundaries of the land are defined shall be duly maintained and that all boundary lines shall be kept open ;

(iii) (a) That mining operations shall be commenced upon the land within a period of six months from the date of issue of the lease ;

(b) That within a further period of six months there shall be at work thereon not less than such number of coolies as shall be mentioned in such lease, or labour-saving apparatus equivalent thereto calculated at the rate of one horse-power to eight coolies, the horse-power of such apparatus being determined in the manner prescribed by Schedule F.

(c) That thereafter the lessee shall not at any time during the term of the lease fail for a period of more than twelve consecutive months to substantially and efficiently carry on mining operations on the land or to keep at work thereon such number of coolies as shall be mentioned in the lease or labour-saving apparatus equivalent thereto calculated as aforesaid. Provided always that the Resident may on payment of the prescribed fee grant exemption for a period of not more than six months from all or any of the covenants and conditions described in this sub-section, and renewals of such exemption may, at the discretion of the Resident, be granted in the like manner.

(iv) That if at any time there shall be discovered on any portion of the land which is in process of being worked for alluvial deposits any mineral in the form of lodes, beds, pockets, stockworks, or similar formations, \* \* and the lessee be required, in writing by the Resident, to work the same, he shall commence to do so in a proper and workmanlike manner within twelve months from the date of receipt of such requisition, and in default of so doing he shall be bound to surrender to the State, if so required, such portion of the land as the Resident may direct : provided that he shall receive reasonable compensation in respect of such loss or damage, if any, as may have been sustained by him in consequence of such surrender, but so that such compensation shall not include any sum on account of the value of any mineral deposit which he has so failed to work as aforesaid and such compensation shall be assessed in the manner provided by Part VII of " The Land Enactment, 1911 " ;

E. 11 of 1916.

E. 11 of 1916.

(ivA) *That if at any time the land or any portion thereof shall be found to contain oil shales or mineral oil, the lessee shall, within one month from the service upon him of a written notice in that behalf under the hand of the Resident, surrender to the State the land or such portion thereof as the Resident may by such notice direct; provided that he shall receive reasonable compensation in respect of such loss or damage, if any, as may have been sustained by him in consequence of such surrender, but so that such compensation shall not include any sum on account of the value of any oil shales or mineral oil which the land may contain, and such compensation shall be assessed in the manner provided by Part VII of "The Land Enactment, 1911."*

(v) That the lessee will carry on all his mining operations in an orderly, skilful, and workmanlike manner, and will not cause danger or damage to the owners or occupiers of other lands and will observe and perform all rules and orders made or given in pursuance of this Enactment or by virtue of any rules made thereunder.

(vi) That the lessee will not use or permit to be used any portion of the land for any purposes other than those mentioned in Section 15 without the written authority of the Collector;

(vii) That all Government officers duly authorized in that behalf shall at all reasonable times have free access to the land and to all workings and buildings in or upon the same, and that all such officers as may be duly authorized by the Warden shall at all reasonable times have free access to the land for the purpose of making examination thereof by boring or otherwise and shall receive from the lessee all reasonable facilities for making such examination;

(viii) That the lessee shall truly fill in, exhibit, and cause to be maintained at the principal office or place of business on the land, and wherever the business of the mine is conducted and the coolies housed, a notice substantially in the form of Schedule G and will also exhibit in a conspicuous place upon any specified buildings copies of such documents in such languages as may from time to time be required by the Warden:

(ix) That the lessee will permit the taking and removal, without payment, from the land, by any person duly authorized in each particular case in writing by the Resident, of any earth, stone, gravel, timber, and other road-making or building material which may be required by the State for any public purpose;

(x) That the lessee shall cause to be kept true and sufficient books of account of the mining and other business carried on upon the land, and of the disposal of the metals and minerals obtained, and will, if so required, produce or cause to be produced such books for the inspection of the Warden or of any person duly authorized by him in that behalf;

(xi) That the lessee shall allow over the land such access to adjoining land as shall not, in the opinion of the Warden, interfere with his rights under the lease;



(xii) That the lessee will take all due and proper precautions and will comply with all such requirements of the Warden as may be necessary to ensure the health and safety of all miners and workmen employed on the land.

**16A.** *There shall be implied in every lease expressed to be for working mineral oil in the absence of any express provision to the contrary the following covenants and conditions on the part of the lessee and such other covenants and conditions, if any, as may be expressly set forth therein :*

Implied  
covenants and  
conditions in  
oil lease.  
E. 11 of 1916.

(i) *all such covenants and conditions as are set out in sub-sections (i), (ii), (iii), (v), (vii), (viii), (ix), (xi), and (xii) of Section 16 ;*

(ii) *that the lessee will not use or permit to be used any portion of the land for any purposes other than those mentioned or referred to in Section 15A without the written authority of the Collector ;*

(iii) *that the lessee will not, except under and in accordance with the terms of a written permission from the Senior Warden, make or sink any new bore or well within 1,000 yards of any oil-well sunk outside the land comprised in the lease ;*

(iv) *that the lessee will well and properly secure with durable means all oil-wells and bores to be sunk or made in the said land and will, if so required by the Senior Warden, make and maintain round every such oil-well and bore such fencing as may be ordered ;*

(v) *that the lessee will permit any Government officer or any lessee or other person authorized by the Resident in that behalf to enter into and upon the said land and to construct or lay thereon all such channels and pipes as may reasonably be required for the conveyance across the said land or any part thereof of mineral oil won elsewhere, to inspect, maintain, and repair all channels and pipes so constructed or laid and to remove the same and generally to do all such acts as may be reasonably necessary for the purpose of conveying mineral oil by means of channels or pipes across the said land or any part thereof ;*

(vi) *that the lessee will at all times during the term of the lease cause to be kept true and sufficient books of account upon such system and in such form as the Resident may approve, which books shall contain accurate entries of*

(1) *the quantity of mineral oil won and brought to the surface from all wells and bores made or sunk under the authority of the lease ;*

(2) *the number of persons employed in working and winning mineral oil under the authority of the lease ;*

*together with all other facts necessary or proper for conveniently ascertaining the amount of royalty (if any) payable in respect of mineral oil won under the authority of the lease and the manner in which such mineral oil has been disposed of and will also at his own expense furnish to such officer as the Resident may from time to time direct and at such times as the Resident may appoint true and correct abstracts of all or any of such accounts and will at all reasonable times allow such officers or persons as the Resident may appoint in that behalf to enter into and have free access to any office or place where the said account books are and to examine them and take copies thereof and make extracts therefrom ;*

(vii) that the lessee will at all times during the said term cause to be made and kept true and correct and intelligible plans shewing as well the situation of each well and boring as the operations and workings which have been carried on under the lease and all such plans shall be made, amended, and filled in by and from actual surveys to be made for that purpose at intervals of not more than twelve months and the lessee shall at his own cost furnish to the Resident true and correct copies of such plans when required so to do ;

(viii) that the lessee will provide and maintain in such position or positions as the Resident may approve one or more storage tank or tanks of such design as the Senior Warden may sanction and of sufficient capacity to contain all mineral oil won or got under the authority of the lease and fitted with such pipes, meters, and other means for ascertaining the quantity of oil entering and drawn from the tank as the Resident may require, and will at the end of each day cause the total quantity of the mineral oil won and got during the previous twenty-four hours and measured and ascertained as aforesaid to be entered in the aforesaid book or books of account and will at all times permit any persons authorized by the Resident in that behalf to be present at the raising and measuring or ascertaining the quantity of the said mineral oil and to keep accounts thereof and to check the accounts kept by the lessee and will cause all oil won and got under the authority of the lease to be forthwith passed through the said tank and will at all times adopt and comply with all requisitions made by the Resident for the control, record, and check of the oil passed into and out of the said tank or tanks ;

(ix) that the lessee will at all times during the said term permit any person or persons authorized in that behalf by the Resident to examine and test the said tank or tanks and the said meters and appliances to be provided and kept by the lessee as aforesaid and the manner in which the requirements of sub-section (viii) are carried out in order to ascertain whether they are respectively correct and in good repair and order and duly carried out and will, if upon any such examination or testing any such tank or tanks, meters or appliances be found incorrect or out of repair or order or the said requirements are not properly carried out, upon the written requisition of the Resident adjust, repair, and put in order and properly carry out the same respectively at his own expense and will not in the meantime, except with the written consent of the Resident, use any tank or appliance so required to be adjusted, repaired, or put in order ; and if upon any such examination or testing as aforesaid any thing shall be discovered tending to the prejudice of the Government in respect of royalty, such error shall, in the absence of proof to the contrary, be deemed to have existed for three calendar months previous to the discovery thereof or from the last occasion of so examining and testing in case such occasion shall be within such period of three months and the royalty payable by the lessee shall be paid or accounted for accordingly ;

(x) that the lessee will, whenever so required by the Resident by notice in writing, reserve for sale to the Government all, or such part as the Resident may direct, of the mineral oil won and to be won under the authority of the lease and of the products thereof and will sell the same to the Government at such price as shall be settled by agreement

between the Resident and the lessee, and in default of such agreement the price to be paid shall be referred to two arbitrators, one to be chosen by the Chief Secretary to Government and the other by the lessee, and such reference shall be deemed to be in pursuance of a submission within the meaning of "The Arbitration Enactment, 1912," or any statutory modification or re-enactment thereof for the time being in force ;

(xi) that on the occasion of a state of emergency, of which the Resident shall be the sole judge, the lessee shall, if so required by the Resident by notice in writing, use his utmost endeavours to increase the supply of mineral oil or of the products thereof for the Government to the extent required by the Resident ;

(xii) that in the event of war between His Britannic Majesty and any other power or on the occasion of a state of emergency, of which the Resident shall be the sole judge, the Resident may take control of the land leased and of the works, plant, and premises of the lessee and the lessee shall conform to and obey all directions issued by the Resident or on his behalf. Compensation shall be paid to the lessee for any loss or damage that may be proved to have been sustained by the lessee by reason of the exercise by the Resident of the powers in this sub-section referred to. Any such compensation shall be settled by agreement between the Resident and the lessee or, in default of agreement, by arbitration in manner provided in sub-section (x) of this section ;

(xiii) that the lessee will comply with all such directions, conditions, and restrictions as the Resident may from time to time by notice in writing impose upon him for the purpose of securing an adequate supply of oil fuel suitable for the ships of His Britannic Majesty's Navy or for other purposes of His Britannic Majesty's Admiralty and for the purpose of securing the refinement in the Federated Malay States or in the Straits Settlements of all mineral oil which may be won and got under the lease ;

(xiv) that the lessee will take all such measures as the Senior Warden may from time to time direct to obviate danger by fire or explosion to life or property ;

(xv) that the lessee will make and pay full and reasonable satisfaction and compensation for all damage and injury which may be done by him in exercise of the powers vested in him by the lease and the carrying on of the works thereby authorized and will at all times save harmless and keep indemnified the Rulers, the Government, the Chief Secretary to Government, and the Resident from and against all actions, suits, claims, and demands which may be made in respect of any such damage or injury ;

(xvi) that the lessee will not transfer or sub-lease the land or any part thereof of interest therein or part with possession of the land or any part thereof to any other person without the previous consent in writing of the Resident ;

(xvii) that the lessee will on the expiration or sooner determination of the lease deliver up to the Resident in good order, repair, and condition and fit for future working all oil-wells made or sunk by the lessee under the authority of the lease, other than wells abandoned with the consent of the Resident, together with all engines and fixtures below ground-level which cannot be moved without injury to the said oil-wells.

To what extent  
conditions  
continue bind-  
ing on lessee,  
E. 11 of 1916.

17. The covenants and conditions mentioned in the *two* last preceding sections shall continue binding on the lessee notwithstanding that he may have sub-leased the land or any part thereof and shall also be binding on the sub-lessee or sub-lessees of the land and any other occupier thereof.

Liability to  
forfeiture how  
incurred,  
E. 11 of 1917.

18. (i) *Breach of any of the covenants and conditions described or referred to in*

*Section 16, sub-section (i), where the breach has continued for a period of six months or more ;*

“ “ (iii), *except in so far as exemption may have been granted by the Resident under the said sub-section ;*

“ “ (iv A) ;  
*Section 16A, sub-section (i), the covenants and conditions set out in sub-section (i) of Section 16, where the breach has continued for a period of six months or more, and in sub-section (iii) of Section 16, except in so far as exemption may have been granted by the Resident under the said sub-section ;*

“ “ (vi) ;

“ “ (viii) ;

“ “ (ix) ;

“ “ (x) ;

“ “ (xi) ;

“ “ (xii) ;

“ “ (xiii) ;

“ “ (xiv) ;

“ “ (xvi) ;

*or of any obligation or condition for breach whereof the lease may be expressed to be forfeitable shall render the lease liable to forfeiture.*

(ii) If at any time the lessee shall during a period of two consecutive years fail to carry on mining operations then, except as aforesaid, the lease shall without notice to the lessee be absolutely forfeited and the land comprised therein shall revert to and vest in the Ruler of the State.

(iii) In the event of the Warden having reason to believe that any lease is liable to forfeiture under sub-section (ii) of this section the Warden may call upon the lessee to shew cause why the said lease is not forfeited under sub-section (ii) of this section and thereupon the burden of proving that such lease is not forfeited under sub-section (ii) of this section shall be upon the lessee.

(iv) In the event of any proceedings to set aside any forfeiture which has taken place under sub-section (ii) of this section the burden of proving that mining operations have been carried on under the lease declared to be forfeited shall be upon the lessee.

**19.** The number of coolies required by the terms of any lease issued under this Enactment to be employed on the land leased thereunder shall not be less than one cooly to each acre of the said land.

Minimum number of coolies.

**20.** In any case in which a lease has become liable to forfeiture under the provisions of this Enactment, such forfeiture may be enforced notwithstanding the fact that quit-rent may have been received in respect of the said lease, but, if the forfeiture is enforced, any quit-rent received in respect of the year in which the forfeiture is enforced shall be repaid to the lessee.

Receipt of quit-rent not to prevent forfeiture.

**21.** (i) In any case in which there is reason to believe that a lessee has done or omitted to do something in consequence whereof his lease has become liable to forfeiture, it shall be lawful for the Collector, with the approval of the Resident, to serve on the lessee a notice, which may be substantially in the form of Schedule H with such variations as circumstances may require, calling upon him, within a period specified in such notice but which shall be not less than one month from the service of the notice, to shew cause to the satisfaction of the Resident why the lease should not be forfeited ;

Provisions in case of lease liable to forfeiture.

(ii) If the lessee shall fail to satisfy the Resident that the lease ought not to be forfeited the Resident may, by notification in the *Gazette*, declare the lease to be forfeited and the land comprised therein shall thereupon revert to and vest in the Ruler of the State ;

(iii) The notice mentioned in sub-section (i) shall, if possible, be served personally on the lessee, but, if personal service cannot be effected, the notice may be served by publication in at least three consecutive issues of the *Gazette* ;

(iv) In addition to such service as aforesaid, a duplicate of the notice mentioned in sub-section (i) shall in every case be posted in some conspicuous position on the land comprised in the lease ;

(v) The provisions of this section shall not apply to the case of a lease forfeited under Section 18 sub-section (ii).

**22.** (i) In every case in which a lease has been forfeited and the land comprised therein has reverted to and vested in the Ruler of the State a notice of such forfeiture, under the hand of the Resident, shall be published in the *Gazette* and a duplicate thereof shall be posted in some conspicuous position on the land comprised in the lease ;

Procedure when lease forfeited.

(ii) A copy of the *Gazette* containing such notice shall be conclusive evidence in every Court of Justice that the said lease has been forfeited and that the land comprised therein has reverted to and vested in the Ruler of the State.

**23.** Any lessee desirous of obtaining a renewal of his lease may make a written application for renewal to the Collector at least twelve months before the expiration of the current term of such lease. A new lease may, if the Resident thinks fit, thereupon be granted if the lessee proves, to the satisfaction of the Resident, that he has consistently complied with the covenants and conditions of his lease.

Renewal of lease, how obtained.

How land  
may be  
surrendered.

24. (i) It shall be lawful for the person entitled under any document of title for mining land at any time to surrender his land, in whole or in part, upon application to the Collector and upon payment of all arrears, if any, due in respect thereof, and of all fees and charges, if any, which may be incurred in ascertaining the position and area of the land so to be surrendered. In all such cases the document of title held in respect of the land shall be forwarded to the Collector for cancellation.

(ii) If part only of the land is to be surrendered, the person entitled shall apply to the Collector to have such part demarcated and surveyed, and such application shall be accompanied by the document of title and by a deposit of such a sum as may, in the opinion of the Collector, be sufficient to cover the amount of all fees and charges incident to such surrender, and thereafter there shall be issued to the person entitled a lease in respect of that portion of his land which remains unsurrendered.

(iii) The Collector shall not be bound to accept a surrender of any land in respect of which all the requirements of this Enactment shall not have been complied with.

Delivery of  
forfeited or  
expired title.

25. When any document of title is forfeited or expires the Collector may, by a notice in writing to be served on the holder thereof, require him to deliver up such document, and the holder shall thereupon be legally bound to so deliver it.

Exchange of  
existing titles  
for new leases.

26. Any person who at the commencement of this Enactment is in possession of mining land by virtue of any document of title may exchange such document for a lease under the provisions of this Enactment, without further payment except for survey, demarcation, and registration fees, if any : provided that no such exchange shall be permitted if there be vested in any other person any concurrent right to work any metal or mineral in or upon the land described in such document of title ; and provided further that nothing herein contained shall entitle any person to receive a lease for a greater area than that specified in the document of title under which he claims or for a longer period than the unexpired portion of the term thereby granted.

Procedure for  
issue of  
substituted  
titles.

27. (i) When any lease has been prepared in pursuance of an application under Section 26 or in substitution for

(a) an agreement for a lease ; or

(b) any document of title to land whereof a part has been surrendered to or resumed by the Government ; or

(c) any document of title to land for which owing to re-survey or otherwise it is, in the opinion of the Collector, necessary to substitute a corrected title ;

the Collector may by notice, substantially in the form of Schedule I, require the person entitled to receive such lease to attend at the land office within three months from the date of service of the notice and to sign or take out such lease, as the case may be.

(ii) The Collector may also by such notice require that the person entitled to receive such lease shall on the issue thereof deliver up the

title in substitution for which such lease has been prepared, and if default be made in delivering up any document of title required to be delivered up under the provisions of this sub-section the Collector may apply to the Court for an order that such document of title be cancelled or otherwise dealt with and the Court shall make such order in the matter as may be just.

**27A.** (i) *Whenever a representation in writing shall be made to the Resident by a Warden or any other person (such other person being hereinafter in this section referred to as "the promoter") that for the effective and economical mining of lands specified in such representation it is necessary or expedient that mining rights over the said lands be vested in one person and that the same be worked in accordance with a scheme detailed in the said representation, the Resident may appoint a Committee consisting of not less than three persons to investigate and report on the said representation and scheme and after consideration of their report the Resident may, with the previous sanction of the Chief Secretary, make a provisional order declaring that any land described in such order which was included in the representation and which has been leased, for whatsoever purpose, or granted to or is lawfully occupied by any person is required for carrying out the proposed scheme.*

Procedure for rendering lands available for working under a comprehensive scheme.  
E. 11 of 1917.

(ii) *Such order shall be published in the Gazette and shall state the district or other territorial division in which the land is situate, its approximate area, and all other particulars necessary for identifying it and the place where and the time when a plan of the land may be inspected.*

(iii) *After the publication of the order under sub-section (ii) notices shall be posted at convenient places on or near the said land stating that the same is required for carrying out the proposed scheme and that claims to compensation for all interests therein may be made to the Resident. Every such notice shall state the particulars of the land and shall require all persons interested therein to appear personally or by agent before the Resident at a time and place mentioned in the notice (such time not being earlier than twenty-one days after the posting of the notices) to shew cause, if they so desire, against the resumption of the land for the purposes of the said scheme and in any case to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests.*

(iv) *A notice to the same effect shall also be served on the occupier (if any) of such land and on all persons known or believed to be interested therein or their duly authorized agents; provided that if any such person having no agent resides outside the limits of the State and his address is known, the notice may be sent to him by registered letter and a reasonable time allowed for reply thereto.*

(v) *Every person required to make or deliver a statement under sub-section (iii) or (iv) shall be legally bound to do so within the meaning of Section 176 of the Penal Code.*

(vi) *The Resident, after hearing and considering any statements and claims made by or on behalf of persons interested in the said lands and after such further investigation, if any, as he may deem necessary, may if he think fit cancel the order made by him under sub-section (i) or he may confirm such order in whole or in part.*

(vii) *If the Resident confirm such order in whole or in part, he shall proceed to define, with the approval of the Chief Secretary, the terms on which the land to which the order as confirmed relates may be leased for the carrying out of the said scheme ; and if the promoter or any other person approved by the Resident shall by mutual agreement with the persons interested in the said lands satisfy all claims of such persons in respect thereof and obtain the surrender to the Ruler of the State of the interests vested in such persons under any document of title to such lands, the Resident shall issue to the promoter or other person approved as aforesaid a lease for the said lands on the said terms.*

(viii) *In the case of any claims not satisfied by mutual agreement under sub-section (vii) the Resident shall, if the promoter or any other person approved by the Resident give such security as the Resident may require to pay all compensation that may be awarded and costs and charges that may be incurred under this sub-section, direct that the compensation to be paid in respect of the said unsatisfied claims be assessed by arbitration, and thereupon two arbitrators shall be appointed in respect of each such claim, one of whom shall be appointed by the claimant and the other by the promoter or other person approved as aforesaid, and the arbitrators so appointed shall before entering on the arbitration appoint an umpire and shall thereafter proceed to their arbitration, and if they agree as to the compensation to be paid their award shall be final and binding, but if they fail to agree the matter shall be referred to the umpire and the award of the umpire shall be final and binding as to the compensation to be paid. The award of such arbitrators or umpire, as the case may be, shall be delivered to the Resident, who may, as soon as the amount awarded together with all costs and charges which may have been incurred in or about such arbitration have been paid, declare by notification in the Gazette that the grant, lease, or other title, if any, subsisting in respect of the land for which compensation has been so paid is cancelled and thereupon the land comprised therein shall vest in the Ruler of the State free of encumbrances, and the Resident shall thereafter issue to the promoter or other person approved as aforesaid a lease for the said lands on the terms defined under sub-section (vii).*

(ix) *The Resident, any committee appointed under sub-section (i), and any arbitrators or umpire appointed under sub-section (viii) shall for the purpose of carrying into effect the provisions of this section have the same power of summoning and enforcing the attendance of witnesses and of compelling the production of documents and of postponing their proceedings from time to time as the ordinary Courts have in civil suits.*

(x) *The Resident may in any case where he thinks fit fix by order under his hand the amount, if any, to be paid to any person (not being an officer of the Government) in respect of his services on any committee or as an arbitrator or umpire under this section, and no payment in excess of any amount so fixed shall be made to or received by any person in respect of such services.*

(xi) *Nothing in Section 128 shall operate to interfere with the provisions of this section.*

(xii) *No order made by the Resident under this section shall be called in question in any Court.*



**27B.** *Whenever a representation in writing shall be made to the Resident by the occupier of two or more blocks of mining land which are not contiguous (such occupier being hereinafter in this section referred to as "the applicant") that for the economical working of the same it is expedient that mining operations commenced on one of such blocks be continued to another of such blocks through, under, or over the intervening lands and that for that purpose mining rights over such portions of the intervening lands as may be specified in the representation be vested in the applicant, the Resident, after such enquiry as he may think fit, may make a provisional order declaring that any land described in such order which was included in the representation and which has been leased, for whatsoever purpose, or granted to or is lawfully occupied by any person be resumed.*

Continuation of mining operations from one block to another through intervening land.

(ii) *When any such order shall have been made, the procedure prescribed in sub-sections (ii) to (vi), inclusive, of Section 27A shall be followed as though the representation and the order, respectively, were a representation and an order made under sub-section (i) of the said section, and if the Resident shall confirm such order in whole or in part, the land to which the order as confirmed relates may be resumed and a lease thereof granted to the applicant, and all the provisions of sub-sections (vii) to (xii), inclusive, of Section 27A shall apply, in so far as the same may be applicable, as though the order so confirmed were an order confirmed under sub-section (vi) of the said section.*

#### TRANSFERS, SUB-LEASES, CHARGES, AND CAVEATS OF MINING LANDS.

**28.** (i) *After the commencement of this Enactment all land held under any title to occupy land for mining purposes granted prior to such commencement, or under any such title granted after such commencement in pursuance of a promise made by the Resident before such commencement, or under a lease or certificate granted under this Enactment, shall be subject to this Enactment and shall not be capable of being transferred, transmitted, sub-leased, charged, or otherwise dealt with except in accordance with the provisions of this Enactment, and every attempt to transfer, transmit, sub-lease, charge, or otherwise deal with the same, except as aforesaid, shall be null and void and of none effect.*

Provisions as to dealings with land.

(ii) *The provisions of this section shall not apply to a sub-lease for a period not exceeding twelve months.*

Exception of certain sub-leases.

**29.** (i) *Any person wishing to transfer, sub-lease, or charge his land shall deliver or transmit to the Collector of the district wherein the land to be transferred, sub-leased, or charged is situated the document of title under which the land is held together with a memorandum, substantially in such one of the forms in Schedule J as the nature of the case may require and with such variations, if necessary, as the Collector may permit, filled in and duly signed by each of the parties thereto, or if any such party is a minor or person of unsound mind by the guardian, next friend, or other person appointed by the Court to act on behalf of such minor or person of unsound mind.*

Procedure on transfers, etc.

(ii) In the case of a sub-lease of a portion of the land comprised in any lease there shall also be delivered or transmitted as aforesaid a plan coloured red of the land intended to be sub-leased intituled "Plan of that portion of the land comprised in lease No.....of date.....sub-leased by sub-lease No.....of date.....to....."

(iii) Every signature to a memorandum shall be attested by one of the following persons :

(a) Within the Federated Malay States—

A Magistrate ;

A Registrar of Titles ;

A Collector of Land Revenue ; or

An Advocate and Solicitor of the Supreme Court.

(b) In the Colony—

A Justice of the Peace ; or

An Advocate and Solicitor of the Supreme Court of the Colony.

(c) In the United Kingdom of Great Britain and Ireland or in any British Possession other than the Colony—

A Notary Public ;

A Commissioner of the Supreme Court of Judicature empowered to take affidavit in such Court ; or

The Mayor or Recorder or other Chief Officer of any City or Municipal Corporation.

(d) In any other place—

The British Consular Officer ; or

Any person specially appointed by the Chief Secretary in that behalf.

(iv) Where any memorandum purports to be signed by any person on behalf of another who is a minor or of unsound mind the Collector shall not receive the same for registration until he is satisfied by the production of the order of Court or otherwise that such person is duly authorized to act on behalf of the minor or person of unsound mind, as the case may be.

(v) In all cases where an official holding a seal of office shall attest any memorandum he shall authenticate his signature by his official seal.

Power of  
attorney.

(vi) Where any memorandum purports to be signed by any person as attorney for another, the Collector shall not receive the same for registration unless the power of attorney is produced and is attested in a manner similar to that prescribed by sub-section (iii) and unless the same or a copy thereof be deposited with the Collector for record : provided that it shall be lawful for the Collector to accept in place of the original of such power of attorney a copy thereof, either sealed with the seal of the Supreme Court of the Colony and marked as an office copy of a duly stamped power of attorney, or declared by an endorsement thereon by a Registrar of

Titles; or a Collector, or a Registrar of the Supreme Court in the Federated Malay States, to be a true copy of a power of attorney in such officer's custody.

**30.** On receiving payment of the prescribed fees, and any arrears of rent which may be due, the Collector shall endorse upon the document of title a brief memorial shewing the nature of the dealing, the names of the parties and the date, and, in the case of a sub-lease of a portion of land already leased, shall also endorse a reference to the plan in the book hereinafter mentioned and shall insert and bind up in a book to be intituled "Plans of portions of land sub-leased" the plan delivered or transmitted to him as provided by Section 29 sub-section (ii), with the blanks in the title thereof duly filled in. A similar memorial shall be endorsed upon the duplicate copy of the document of title, and every memorial shall be made or attested by the Collector and shall contain a reference to the memorandum upon which it is based.

Collector to make certain endorsements.

**31.** Every such memorandum shall be filed in the land office and shall bear a number to indicate the document of title to which it relates.

Memorandum to be filed.

**32.** After registering the transfer, charge, or sub-lease as hereinbefore described, the Collector shall return the document of title to the party entitled to the custody thereof.

Document of title to be returned.

**33.** (i) Upon the production of any charge having thereon an endorsement signed by the chargee and attested in a manner similar to that prescribed by sub-sections (iii) and (v) of Section 29 to the effect that the charge has been satisfied the Collector shall write the word "Satisfied" against the endorsement and memorial relating to such charge together with the date and the number of such memorandum and shall affix his signature.

Cancellation of charge.

(ii) In any case in which it shall be shewn to the satisfaction of the Court that a charge has been satisfied and that the signature of the chargee cannot be obtained in consequence of his absence from the State, or for any other sufficient reason, it shall be lawful for the Court to order that the signature of the chargee be dispensed with.

Court may dispense with chargee's signature.

**34.** (i) On production of sufficient evidence that any sub-lease has been surrendered or cancelled, the Collector shall write the word "Surrendered" or "Cancelled," as the case may be, against the memorandum, endorsement, and memorial, and affix his signature thereto.

Surrender or cancellation of sub-lease.

(ii) In all other cases an order of the Warden or of the Court shall be required.

**35.** (i) It shall be lawful for the Collector, on the application of any chargee and on being satisfied that default has been made in payment of the interest, or of any part thereof, or of the principal sum secured by the charge and that three months' notice, which may be substantially in the form of Schedule K with such variations as may be necessary, demanding payment has been given by the chargee to the owner, to order the sale of the land comprised in the

Sale of land by chargee.

charge, or of such portion thereof as may be necessary. Such sale shall be carried out at the district land office and no chargee shall sell any land comprised in a charge except in accordance with the provisions of this section.

(ii) No order shall be made under this section unless and until notice of the application, which may be substantially in the form of Schedule L with such variations as may be necessary, shall have been served on all persons who would be affected by such order, and such persons have had an opportunity of appearing before the Collector.

(iii) Any person aggrieved by any order or refusal of the Collector under this section may appeal to the Court, which may order any sale to be suspended pending the hearing of the appeal. No such appeal shall be admitted after the expiration of thirty days from the date of the order or refusal appealed against.

Transmission.

**36.** (i) An executor or administrator or person claiming by any form of succession may produce to the Collector the probate or letters of administration granted to him, and thereupon the Collector shall endorse under his hand upon both the original and duplicate document of title to the land or interest claimed a brief memorial shewing the date of the probate or letters of administration and the date and hour of the production of the same to him and shall add the words "as representative" after the name of the person to whom such probate or letters of administration were granted, and upon such endorsement being made such person shall, subject to the provisions of any Enactment dealing with probate and administration, be deemed to be the registered owner of such land or interest or of such part thereof as shall for the time being remain undisposed of, and the Collector shall note the fact of such registration by memorandum under his hand on the probate or letters of administration. Any person registered as the representative of a deceased person shall hold the land or interest in respect of which he is registered for the purposes to which the same is applicable according to equity and good conscience and subject to any trusts upon which such deceased person held the same, but for the purposes of any registered dealings with such land or interest he shall, subject to the provisions of any Enactment dealing with probate and administration and of this Enactment, be deemed to be the absolute owner thereof.

(ii) A trustee in bankruptcy or receiver of an insolvent estate or other person claiming by any order of Court or act of law may become the registered owner of mining land or of interests therein by producing at the land office the order of Court establishing his claim or other satisfactory proof of his title.

(iii) Any person aggrieved by any refusal of the Collector to register him under this section may appeal to the Court; provided that no such appeal shall be admitted after the expiration of thirty days from the date of such refusal.

(iv) In any case in which no legal representative of any deceased person shall have been registered it shall be lawful for the Collector, at any time after the expiration of twelve months from the death

of such person and after notification in two successive issues of the *Gazette* of the intention to do so, to resume on behalf of the Ruler of the State any mining lands the title whereof is registered in the name of such deceased person ; provided that no such resumption shall be carried out during the pendency of proceedings before any Court to establish the claim of any person to act as such legal representative.

(v) Nothing contained in this section shall be deemed to vary or invalidate the procedure provided by any law in force for the time being to regulate the succession to estates of small value.

**37.** The Resident may, upon such evidence as shall appear to him sufficient, order the Collector to correct formal errors in leases or certificates or in the register or other office records, or to supply entries which by mistake have been omitted to be made. But the Collector shall not erase or render illegible the original words and shall affix the date on which such correction was made or entry supplied, with his initials.

Power of Resident to correct errors.

**38.** Any person claiming to be interested under any will, settlement, or trust deed, or any instrument of transfer or transmission, or under any unregistered instrument, or otherwise howsoever, and if such person is a minor or of unsound mind the guardian, next friend, or other person appointed by the Court to act on behalf of such minor or person of unsound mind, in any land in respect of which a mining lease or other mining title for a period of more than twelve months has been issued and is in force, may lodge a caveat with the Collector to the effect that no disposition of such land be made either absolutely or in such manner and to such extent only as in such caveat may be expressed, or until notice shall have been served on the caveator, or unless the instrument of deposition be expressed to be subject to the claim of the caveator as may be required in such caveat, or to any conditions conformable to law expressed therein.

Caveat may be lodged.

(i) A caveat may be substantially in the form of Schedule M and shall be verified by the affirmation of the caveator or his agent, and shall contain an address within the State at which notices may be served.

Form of caveat.

(ii) Upon the receipt of a caveat the Collector shall make a memorandum thereon of the date and hour of the receipt thereof, and shall enter a memorandum thereof in the register, and shall forthwith send a notice of such caveat through the post office or otherwise to the person against whose title such caveat shall have been lodged, hereinafter called "the caveatee."

Notice to be sent to caveatee

(iii) So long as any caveat shall remain in force prohibiting the transfer or other dealing with land, the Collector shall not enter in the register any memorandum of transfer or other instrument purporting to transfer or otherwise deal with or affect the land in respect of which such caveat may be lodged ; provided that the Collector may notwithstanding the terms of any caveat make any entry in the register required to be made in pursuance of a sale for recovery of arrears of rent due to the State.

Effect of caveat.

Opposition to  
caveat.

(iv) The lessee or other person claiming land may by summons call upon the caveator to attend before the Court to shew cause why the said caveat should not be withdrawn, and it shall be lawful for the Court upon proof that such last-mentioned person has been summoned, and upon such evidence as the Court may require, to make such order in the premises either *ex parte* or otherwise as to the Court shall seem fit. And where a question of right or title shall require to be determined, the proceedings shall be as nearly as may be in conformity with the rules of Court in relation to civil causes.

Removal of  
caveat.

(v) Except in the case of a caveat lodged by the Collector the caveatee may make application in writing to the Collector to remove such caveat, and thereupon the Collector shall give twenty-one days' notice in writing to the caveator requiring that the caveat be withdrawn, and after the lapse of twenty-one days from the date of the service of such notice at the address mentioned in the caveat the Collector shall remove such caveat from the register by entering a memorandum that the same is discharged, unless he shall have been previously served with an order of the Court extending the time as herein provided.

Caveatee to  
give address.

(vi) Such caveatee shall in such application give an address in the State at which notices and proceedings may be served.

Extension of  
time to  
caveator.

(vii) The caveator may either before or after receiving such notice from the Collector apply by summons to the Court for an order to extend the time beyond the twenty-one days mentioned in such notice, and such summons may be served at the address given in the application of the caveatee, and it shall be lawful for the Court upon proof that the caveatee has been summoned, and upon such evidence as the Court may require, to make such order in the premises either *ex parte* or otherwise as the Court shall think fit.

Withdrawal  
of caveat.

(viii) The caveator may by notice in writing to the Collector withdraw his caveat at any time, but such withdrawal shall not prejudice the power of the Court to make an order as to payment by the caveator of the costs of the caveatee incurred prior to the receipt by the caveatee of notice in writing of the withdrawal of such caveat.

Registration of  
withdrawal.

(ix) An entry shall be made by the Collector in the register of the withdrawal, lapse, or removal of any caveat or of any order made by the Court.

No second  
caveat to be  
lodged in  
same matter.

(x) It shall not be lawful for the same person or for anyone on his behalf to lodge a further caveat in relation to the same matter, but the Collector may alter or amend the same in such manner and on such terms as may seem just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the caveator and caveatee, and nothing herein contained shall prejudice the right of the Collector to enter or continue any caveat under the powers vested by in him sub-section (xii).

Person wrong-  
fully lodging  
caveat to make  
compensation.

(xi) Any person other than the Collector lodging or continuing any caveat wrongfully and without reasonable cause shall be liable to make compensation to any person who may have sustained damage thereby.

(xii) The Collector may at any time enter a caveat on behalf of the Ruler of the State, or on behalf of any person who may be under the disability of infancy, lunacy, unsoundness of mind, or absence from the State, to prohibit the transfer of, or any dealing with, any land belonging or supposed to belong to the State or to any such persons as hereinbefore mentioned, and also to prohibit any dealing with any land in any case in which it shall appear to him that an error has been made by misdescription of such land or otherwise in any document of title or other instrument, or for the prevention of any fraud or improper dealing.

Powers of  
Collector.

(xiii) This section shall apply only to land in respect of which a mining lease or other mining title for a period of more than twelve months has been issued and is in force.

Proviso.

**39.** Every title to work mining land shall be subject to the land laws of the State for the time being in respect of the following matters—that is to say,

Land laws to  
apply in certain  
cases.

- (a) Demarcation and survey ;
- (b) Collection of land revenue ;
- (c) Sub-divisions of lands ;
- (d) Loss of documents of title ;
- (e) Certified copies of documents of title ;
- (f) Acquisition of land for residential reserves or public purposes.

**39A.** *Any person may with the consent in writing of the owner or lessee (under a Government lease) of any land alienated otherwise than for mining purposes bore such land on giving to the Warden seven days' notice in writing of his intention so to do, and such person shall, whenever so required by the Warden, furnish a return of the results of such boring.*

Right to bore  
land.  
E. 10 of 1915

#### PROPRIETARY MINING LICENSES.

**39B.** (i) *The Resident may from time to time, by notification in the Gazette, declare any area to be an area within which mining may be carried on under proprietary mining licenses on lands held under titles whereby surface rights only are conveyed and may, by notification in the Gazette, at any time revoke any such declaration.*

Declaration of  
areas within  
which mining  
may be carried  
on, under  
license, on  
lands held  
under titles  
conveying  
surface rights  
only.

(ii) *So long as any such declaration remains in force the Collector may, on the application of the registered proprietor or lessee of any land, situated within the area specified in such declaration, which is held under a title whereby surface rights only are conveyed, issue, with the approval of the Resident and the express consent of all persons having registered interests, by way of charge or otherwise, in the said land, and after the payment of such premium, if any, as the Resident may direct, to such proprietor or lessee a license to work all tin and tungsten ores found beneath the said land, or beneath such part of it as is specified in the license, and to remove, dispose of, dress, and treat the same during the continuance in force of the title whereby the said surface rights are conveyed or during such lesser period as shall be stated in the license, subject to the provisions of this Enactment and to the payment of rent in respect of the said license at the rate prescribed for the time being to be reserved in respect of leases issued thereunder.*

E. 10 of 1915.

Provisions  
relating to  
licenses issued  
under  
Section 39B.  
E. 10 of 1918.

**39C.** (i) *Every license issued under Section 39B shall be substantially in the form of Schedule M<sup>1</sup> and shall be subject to the following conditions and limitations :*

- (a) *it shall convey to the licensee the right to work in such manner only as may be approved by the Warden ;*
- (b) *it shall be liable to cancellation by the Warden should the licensee at any time during the continuance thereof make default in the observance of any of the conditions of such license or of the provisions of this Enactment or of any rule thereunder or disobey or disregard any lawful order made by the Warden or an Inspector ;*
- (c) *the licensee shall notify in advance to the Warden in writing the date on which work under the license will be begun, and on cessation of work thereunder shall, without delay, notify such cessation to the Warden in writing ;*

*and to such other conditions and limitations, if any, as may be expressly set forth therein, and there shall be implied therein, on the part of and relating to the licensee, in the absence of any express provision to the contrary, the same covenants and conditions as are by Section 16, paragraphs (i), (ii), (v), (vii), (viii), (ix), (x), (xi), and (xii), implied on the part of and relating to a lessee in a lease not expressed to be for working mineral oil only ; and the provisions of Sections 17, 18 (i), 20, 21, 24, and 25 shall, with the necessary modifications, apply in respect of every such license.*

(ii) *For the purposes of this Enactment land which is authorized by a license issued under Section 39B to be mined shall, except in the construction of Section 26, Section 75, and Section 116 (ii), be deemed to be mining land, and for the purposes of Section 116 (i) a license issued under Section 39B shall be deemed to be a document of title to mining land.*

(iii) *The benefit and the burden of every license issued under Section 39B shall, while such license continues in force, attach to and be inseparable from the registered title to the surface rights over the land so licensed to be mined, and such license shall not be capable of being transferred, sub-leased, charged, or dealt with otherwise than by means of and incidentally to a transfer, sub-lease, or charge of, or other dealing with, the title to the surface rights over the land licensed to be mined ; but every transfer, sub-lease, or charge of, or other dealing with, the said title shall, whatever be the terms thereof, be deemed to extend to and include the mining rights created by such license in so far as the same relate to the land the surface rights whereof are so transferred, sub-leased, charged, or otherwise dealt with.*

(iv) *Upon the issue of a license under Section 39B, the Collector or Registrar of Titles, as the case may be, having custody of the Register wherein the title to the land licensed to be mined is recorded shall make in the said Register an entry of the issue of such license and shall on proof to his satisfaction of the cancellation or other determination of any license whereof an entry has been made as aforesaid make in the said Register an entry of such cancellation or other determination. The Collector shall furnish to the Registrar of Titles all information necessary to enable the Registrar of Titles to comply with the provisions of this sub-section.*



(v) *For the purposes of a lease of land in respect whereof a proprietary license has been issued under Section 39B the form of lease prescribed by "The Registration of Titles Enactment, 1911," may be modified by the inclusion of such of the stipulations contained in the form of memorandum of sub-lease prescribed by this Enactment as may be necessary to carry out the agreement between the parties.*

#### INDIVIDUAL MINING LICENSES.

**40.** The Resident may from time to time, by notification in the *Gazette*, declare any area to be an area within which mining may be carried on under individual mining license, and so long as any such notification remains in force it shall be lawful for the Collector to issue licenses for individual mining within the area specified in such notification.

Authority for  
issue of indivi-  
dual license.

**41.** (i) Every such license shall be substantially in the form of Schedule N, and shall convey to the person named therein the right to mine any mineral deposit *other than oil shales and mineral oil* being within the area defined by such license.

Form of license  
right conveyed.  
E. 11 of 1916.

(ii) No such license shall be issued except to the person named therein.

**42.** (i) Every such license shall be subject to the following conditions and limitations :

Conditions and  
limitations of  
license.

(a) It shall not remain in force after the 31st day of December of the year in respect of which it is issued ;

(b) It shall not be transferable ;

(c) It shall convey to the licensee the right to work in such manner only as may be approved by the Warden or by an Inspector ;

(d) It shall be liable to immediate cancellation by the Warden should the licensee at any time during the continuance thereof make default in the observance of any of the conditions of such license or of the provisions of this Enactment, or disobey or disregard any lawful order ;

(e) It shall be carried by the licensee at all times when he may be engaged upon any work which is in any way affected or controlled by the conditions of such license or by the provisions of this Enactment, and shall be produced whenever lawfully required.

(ii) There shall be payable in respect of every such license such fee as may be prescribed.

#### PART III.

#### PROSPECTING LICENSES.

**43.** (i) It shall be lawful for the Collector, with the approval of the Resident, to grant licenses to prospect for metals or minerals, subject to such terms, conditions, and limitations as are stated in this Part.

Licenses to  
prospect.

(ii) No license so granted shall be in any way nullified by the provisions of "The Land Enactment, 1911."

(iii) In this Part "license" means a license issued under the provisions of this Part, and "licensee" means the lawful holder of such a license.

Application for license and particulars to be given.

44. Every application for a license shall be in writing and shall contain the following particulars—

- (a) The position, approximate area, and boundaries of the land in respect of which the application is made ;
- (b) The metal or mineral for which it is proposed to prospect ;
- (c) The extent of the area in respect of which the applicant desires the prior right to receive a lease.

Particulars to be entered.

45. The particulars of every application for a license shall be entered by the Collector in a book to be kept by him for that purpose, and all applications shall be dealt with according to the order in which the same are received, but so that priority of application shall give no claim or priority of claim to a license.

Form of license not transferable.

46. Every license shall be substantially in the form of Schedule O ; no license shall be transferable.

Express authority required to prospect for oil.  
E. 11 of 1916.

46A. *No prospecting license, whether issued before or after the commencement of this Enactment, shall convey any right to prospect for oil shales or mineral oil unless such right be conferred in express terms by the license.*

License to work subject to Warden's direction.  
E. 11 of 1916.

47. Every license shall convey to the licensee the right to undertake and continue such work only as may in the opinion of the Warden be reasonably necessary to enable him to test the qualities of the land *in respect of the metal or mineral specified in the license.*

Removal of minerals.

48. It shall be lawful for the licensee to remove from the land and dispose of all metals or minerals raised in the course of prospecting operations upon payment of such royalty or export duty as may be fixed by any law for the time being.

Where licensee may not prospect.  
E. 11 of 1916.

49. (i) *Except as provided in sub-section (ii) a license shall convey no permission to prospect lands other than State lands except with the consent in writing of the lawful occupier thereof, nor shall it entitle the licensee to enter upon any land which shall at the date of such license be the subject of an application for a mining lease.*

(ii) *A license to prospect land for oil shales or mineral oil may, by express authority in that behalf therein contained, empower the licensee to prospect lands other than State lands or to prospect land which shall at the date of such license be the subject of an application for a mining lease.*

(iii) *Where a licensee duly empowered in that behalf prospects any land other than State land, he shall be liable to make compensation in the case of alienated land to the owner, lessee, or lawful occupier thereof and in the case of reserved land to the person having the control thereof for any disturbance or damage caused by such prospecting operations ; and such compensation shall, unless settled by mutual agreement between the parties concerned, be assessed in the manner provided by Part VII of "The Land Enactment, 1911."*

**50.** (i) Every licensee shall permit the Warden and Inspector, and any persons thereto duly authorized by the Warden, at all reasonable times to inspect any work which may have been executed or which may be in progress upon the land the subject of such license, and shall render, when so required, by the Warden, a full, true, particular, and just account of the results of his prospecting operations. Work of licensee subject to inspection.

(ii) *Where prospecting operations have been or are being carried on under license on land other than State land, the Warden and Inspector and any persons thereto duly authorized by the Warden may at all reasonable times enter upon such land for the purposes of such inspection as aforesaid.* E. 11 of 1916.

**51.** Every licensee shall produce his license at all reasonable times when required to do so by the Collector, the Warden, or an Inspector. Production of license.

**52.** Every license shall be liable to be cancelled by the Resident upon proof of the breach of any of the conditions thereof or of any of the provisions of this Enactment. License may be cancelled.

**53.** Every license shall convey to the licensee as from the date of the receipt of an application for a license by the Collector the prior right to select and receive a lease for a block of mining land, of an area to be determined by the Resident and stated in the license, from any part of the land being State land described in such license, in the event of the Resident being satisfied that the licensee has done a sufficient amount of prospecting work to entitle him to such land; and shall also, in the absence of any express provision therein to the contrary, convey to the licensee the following rights and privileges and be subject to the following conditions: Rights of licensee.

(i) The exclusive right to prospect within a specified area *for the metals and minerals specified in the license.* E. 11 of 1916.

(ii) No application for a lease lodged in respect of any land held under a license shall be dealt with and no portion of such land shall be alienated for any purpose until all rights of the licensee in respect of such land shall have been satisfied.

(iii) If upon the expiration of the term of any license the licensee shall prove, to the satisfaction of the Resident, that he has completed a reasonable amount of prospecting and has otherwise in all respects complied with the conditions of his license and the provisions of this Enactment, there shall upon his application and upon payment of the prescribed fee be issued to him a new license in respect of any such part of the land comprised in the former license as he may select; provided that such part shall not, except with the permission of the Resident, exceed one-half thereof; such new license shall, unless the Resident otherwise direct, entitle the licensee, subject to the provisions of this Part, to select and receive a lease for a block of mining land of an area not less than that which he was entitled to select under the expired license;

(iv) The term of every license shall be fixed by the Resident;

(v) There shall be payable in respect of every license the prescribed fees together with the amount of all such reasonable expenses,

if any, as may, in the opinion of the Collector, be necessary to defray the cost of fixing the position of the land to be included in such license ;

(vi) A license may at any time be cancelled by the Resident if the licensee shall have ceased altogether to work on the land comprised in the license for a period to be fixed by the Resident and inserted in the license ;

(vii) Upon completion of prospecting for metals or minerals under any license the licensee shall fill in all pits, shafts, or excavations unless the licensee obtains authority in writing from the Warden exempting him from this condition. The Warden may grant any such exemption upon such conditions as he may think fit and may call upon the licensee to provide security not exceeding five hundred dollars for the due fulfilment of this condition.

**53A.** *Where a license expressly authorizes the prospecting of land other than State land, the lease to which the licensee has under Section 53 a prior right may, subject to the provisions of Section 130, include any part of the land, other than State land, which the licensee has by the license been authorized to prospect, if the following conditions are complied with but not otherwise, that is to say—*

(a) *that, in the case of alienated land, the licensee shall have acquired all rights of other persons in the land desired to be included in the lease or shall have paid the cost of the resumption thereof under Section 128 and the same shall have been resumed ;*

(b) *that, in the case of land reserved for a public purpose, the licensee shall have obtained such consent as is required under Section 10 of "The Land Enactment, 1911," for the revocation of the reserve in respect of the land desired to be included in the lease and the same shall have been revoked.*

**53B.** *In the case of an application by the registered proprietor or lessee of land held until a title whereby surface rights only are conveyed for a license to prospect such land or part thereof for metals or minerals, and in the case of a license granted upon any such application, the following provisions of this Part shall not apply, that is to say—*

*paragraph (c) of Section 44 ;*

*paragraph (iii) of Section 53 ; and*

*Section 53A ;*

*and a license granted upon any such application shall convey to the licensee no right to a mining lease, mining license, or other mining title, and for the purposes of such a license the form in Schedule O shall be modified accordingly.*

#### PART IV.

#### PROVISIONS REGARDING WATER.

**54.** The entire property in and control of all rivers, streams, and water-courses throughout the State is and shall be vested solely in the Ruler of the State, save in so far as such right may in any special case have been limited by any express grant made before the commencement of this Enactment,

Rights of  
licensee where  
land is not  
State land.

E. 11 of 1916.

License to  
proprietor of  
land to prospect  
it for metals or  
minerals.

E. 10 of 1913.

Control of  
and property in  
water vested in  
Ruler of State.

**55.** (i) Any person who shall in the course of mining operations interfere with the bank of any river, stream, or water-course may, by written order, be required to restore the same to the condition in which it was immediately prior to such interference or to re-make the same in such manner as may be specified in the order.

Restoration of river banks.

(ii) Such order may be made by the Resident in the case of rivers, streams, and water-courses or parts thereof as to which the Resident may have notified in the *Gazette* that orders under this section shall only be made by him ; in other cases orders under this section may be made by the Warden.

**56.** It shall not be lawful for the occupier of any mining land to make or permit any other person to make, without the sanction of an Inspector, any such alteration in the water supply of any lands as may prejudicially affect the water supply enjoyed by any other persons or lands.

Alteration in water supply prohibited.

**57.** Whenever any such alteration shall have been so made, the occupier or occupiers of the lands benefited thereby shall, in the absence of proof to the contrary, be presumed to have made it.

Presumption if alteration made.

**58.** (i) It shall be lawful for the Warden to issue to any person who is working or is about to work any land for mining, by virtue of any legal title, a license to divert, make use of, and deliver such water as is therein mentioned, in such places, by such means, in such manner, in such quantities, and on such conditions as he may think fit.

License for use of water.

(ii) Every such license shall be substantially in the form of Schedule P and shall be tenable for any period not exceeding twelve months, and shall be renewable at the discretion of the Warden.

(iii) Licenses for periods exceeding twelve months to be named in the license, may be granted under the hand of the Resident.

**59.** The Warden shall have power to issue a notice in writing calling upon the occupier of any mining land to take out such license within a period to be specified in such notice, and every person so cited shall be legally bound to comply with such notice.

Warden may require license to be taken out.

**60.** No occupier of any mining land to whom such license shall have been issued, nor any person in his employ or working upon such land, shall divert, make use of, or deliver any water, otherwise than as permitted or required by the terms of such license, without the permission in writing of an Inspector.

Conditions of license to be observed.

**61.** It shall be lawful for the Warden to cancel any such license upon proof of the breach by the licensee, or such other persons as are in the preceding section mentioned, of any of the conditions of such license.

Cancellation of license.

**62.** An Inspector shall have power to give orders concerning the distribution of any available water among the occupiers of any mining lands, and all persons affected by such order shall be legally bound to obey the same ; every such order shall be given in writing if so required by any person affected thereby.

Inspector's power in respect of water.

Water-wheel  
may be  
forbidden.

**63.** An Inspector shall have power to forbid the use of a water-wheel in any case in which it may appear to him that the use of the same is prejudicial to the interests of other miners, and every person receiving such prohibition shall be legally bound to comply therewith.

Powers of  
Resident in  
respect of  
water.

**64.** (i) It shall be lawful for the Resident to grant, for a stated period and purpose, to any person a license to erect, cut, or construct upon or through any State or alienated lands, to be described in such license, any pump, line of pipes, flume, race, drain, dam, or reservoir, and, subject to such conditions as may be specified therein, to take and use all water therefrom in such quantities and in such manner as in the opinion of the Resident may be necessary for the purpose of effectually working such lands as may be specified in such license, and it shall be lawful for the licensee to enter upon such State or alienated lands for the purposes expressed in such license, and to carry out all or any of the works thereby sanctioned, and to exercise all or any of the rights thereby granted; provided that he shall be liable to make compensation to the owner or lawful occupier of any alienated land upon which such work shall be carried out or such rights exercised.

(ii) All rights and privileges granted by any such license shall be exercisable by the representatives and assigns of the licensee, and shall be revocable if not exercised for a period of two consecutive years.

Revocation or  
alteration of  
Resident's  
license.

**65.** The Resident shall have power, at any time and without cause assigned, to revoke or alter any license granted by him in accordance with the provisions of the last preceding section, or to vary the terms and conditions thereof, upon payment to the licensee, his representatives or assigns, of compensation for any damage which he may sustain in respect of such revocation, alteration, or variation.

Assessment of  
compensation.

**66.** Failing agreement the compensation mentioned in the two last preceding sections shall be assessed in the manner provided by Part VII of "The Land Enactment, 1911."

Record of water  
license on titles  
affected.

E. 11 of 1917.

**66A.** *Where alienated land is affected by a license granted under Section 64 of this Enactment or under Section 64 of "The Mining Enactment, 1904," of any State, the Collector or Registrar of Titles, as the case may be, having custody of the Register wherein the title to such land is recorded shall, on production to him of such license, make in the said Register an entry of the grant of the license and of the period thereof and shall certify on the license that such entry has been made and shall on proof to his satisfaction of the revocation of any license whereof an entry has been made as aforesaid make in the said Register an entry of such revocation.*

Occupier of land  
beneficially  
affected by Resi-  
dent's license  
to permit use of  
outflow to  
others.

**67.** The Warden shall have power to compel the lawful occupier of any mining land which is beneficially affected by the rights and privileges conferred by such license as is in Sections 58, 64, and 65 mentioned, to permit any other person to enter upon such land, and thereupon, at his own expense, to erect, construct, and maintain any pump, line of pipes, flume, race, or water-course which in the opinion of the Warden may be necessary to enable such person to take

advantage of any outflow of water from such land, and to convert the same to his own use : provided that no such erection, construction, or maintenance shall be permitted or continued upon proof that the same is exercising or is likely to exercise any prejudicial effect or result upon or towards any actual or prospective mining operations which are or may be hereafter commenced or carried on upon the land so beneficially affected as aforesaid.

68. (i) Every person who shall use water in connection with his mining operations, whether for the generation of power or for the removal of mineral substances, or for concentrating, milling, or otherwise dealing with such substances, shall, whatever may be the nature and date of the title under which such use is enjoyed, make such provision as will ensure that all water so used shall, before it leaves the mining area on which it has been so used, be freed from all chemicals deleterious to animal or vegetable life.

Purification of water.

(ii) No effluent water from any mining area shall contain or remove solid matter in excess of an amount prescribed by rules under this Enactment.

E. 11 of 1917.

(iii) The Warden or an Inspector shall on complaint made in writing of failure on the part of any person to comply with the requirements of sub-sections (i) and (ii) hold an enquiry into the matter of such complaint, and may, with or without such complaint as aforesaid, at any time order any person who shall fail to comply with the requirements of sub-sections (i) and (ii) to provide such retaining walls, brush dams, settling pits, and other mechanical appliances and to use such chemical methods as the Warden or Inspector may deem necessary for effectual compliance with the said sub-section, and may also order such person to suspend his mining operations until such provision has been made and such methods adopted.

(iv) Compliance with an order of the Warden or of an Inspector made under the preceding sub-section shall not affect any liability incurred by any person through breach of the provisions of sub-sections (i) or (ii).

#### PART IVA.

##### PROVISIONS REGARDING MINERAL OIL.

68A. (i) *It shall be lawful for the Resident to grant for a stated period to any person a license to construct, lay, and maintain in, upon, or through any State lands, alienated lands, or reserved lands, to be specified in such license, a line or lines of pipes for the conveyance of mineral oil raised or produced in the Federated Malay States and, subject to such conditions as may be specified therein, to use the same for conveying such mineral oil, and it shall be lawful for the licensee, subject to the provisions of any rules in force under this Enactment, to enter upon such State lands or alienated lands, or reserved lands for the purpose of exercising and to exercise the rights conveyed by the license ; provided that he shall be liable to make compensation to the owner or lawful occupier of any alienated land and to the person having the control of any reserved lands for any damage caused by such entry or exercise.*

Pipe-lines for conveyance of mineral oil.

E. 11 of 1916.

(ii) *All rights conveyed by any such license shall, unless it be expressly otherwise provided in the license, be exercisable by the representatives and assigns of the licensee and shall be revocable without compensation if not exercised for a period of two consecutive years.*

(iii) *The Resident shall have power at any time and without cause assigned to revoke or alter any license granted under sub-section (i) or to vary the terms and conditions thereof upon payment to the licensee, his representatives or assigns of compensation for any damage which he or they may sustain by reason of such revocation, alteration, or variation.*

(iv) *The compensation mentioned in sub-sections (i) and (iii) shall, unless settled by mutual agreement between the parties concerned, be assessed in the manner provided by Part VII of "The Land Enactment, 1911."*

Obligations in respect of refineries.

**68B.** *Every owner of any works for the extraction of oil from oil shales or of any oil refinery and every person having the control of any such works or refinery shall comply with all such directions, conditions, and restrictions as the Resident may from time to time by notice in writing impose upon him for the purpose of securing an adequate supply of oil fuel suitable for the ships of His Britannic Majesty's Navy or for other the purposes of His Britannic Majesty's Admiralty.*

## PART V.

### THE REGULATION OF MINING OPERATIONS.

Warden may require boundaries to be opened.

**69.** It shall be lawful for the Inspector to issue to the lawful occupier of any mining land a notice calling upon him to open and keep open the boundaries thereof within a period to be specified in such notice, and thereupon such occupier shall be legally bound to comply with the same, and, if he shall fail to do so, the Warden may cause the work to be done and recover the cost from the occupier by action in any Civil Court having jurisdiction, and a certificate signed by the Warden shall be conclusive evidence of the amount recoverable.

Gunpowder, etc., not to be stored in mine or building except as prescribed.

**70.** No gunpowder, dynamite, petroleum, or other inflammable oil in bulk, or other substance of an explosive or dangerous nature, shall be stored, placed, or used in or near any mining area or building, except in such places, in such quantities, in such manner, and on such conditions as shall be prescribed by rules under this Enactment; and no detonator, match, or other highly inflammable substance or liquid shall be stored together with any other explosive substance or liquid.

Proceedings upon accident in mine.

**71.** (i) Whenever any accident causing or resulting in loss of life or serious bodily injury to any person or persons or serious injury to the property of any person (not being the lessee of or employed upon the mine) or of the State has occurred in any mine or upon any mining land it shall be the duty of the mining manager or other person in charge of mine or mining land to report in writing to the Warden and the Inspector with the least possible delay the facts of the matter so far as they are known to him, and the Warden or



Inspector shall thereupon proceed to visit the place where the accident has occurred, and the Warden or Inspector shall make a preliminary investigation of the circumstances and record the result of such investigation in writing, and if there has been any loss of life or there is reason to anticipate that any person has been fatally injured shall send a copy of such record to the nearest Magistrate.

(ii) In the event of loss of life or serious injury to any person due to or caused by any accident in or about a mine the place where the accident occurred shall be left as it was immediately after the accident until the Warden or an Inspector has completed his investigations; provided that rescue work and work necessary for the general safety of the mine and its employees is not to be delayed and that work may continue after three clear days from the accident.

(iii) If upon such preliminary investigation it appears to the Warden or Inspector that there is any reason to believe that the accident was due to any failure to comply with any of the provisions of this Enactment or of any rules made thereunder, or to the neglect of any lawful order given by the Warden or Inspector or of any rule made by the manager under Section 72, or the Warden or Inspector is not satisfied that the accident might not have been prevented if proper precautions had been taken and observed in the working of the mine or mining land, the Warden shall then, as soon as conveniently may be, hold an enquiry into the nature and cause of the accident, with or without assessors, in the manner hereinafter in this Enactment provided, and shall forward a copy of the evidence taken at such enquiry with his finding and such further report as may seem to him necessary to the Resident, and if he is of opinion that criminal proceedings ought to be instituted in connection with the accident against any person or persons to the Deputy Public Prosecutor also.

72. The manager of any mine shall draw up a code of rules for the local government of such mine and its surrounding mining appliances and accessory works if ordered to do so by the Warden and shall specify at the end of each clause the fine, or forfeiture, for the infringement of such clause. Any such code shall come into force upon being approved by the Resident in writing and shall cease to be in force as soon as the Resident shall in writing withdraw his approval thereof; and fines or forfeitures inflicted under any such code while in force shall be recoverable and enforceable by order of a Magistrate in the same way as fines or forfeitures inflicted or adjudged by such Magistrate, or such fines or forfeitures may be deducted by the manager of the mine from the salary of any servant or officer of the mine who has in the opinion of such manager become liable to pay the same, and any such person aggrieved by the decision of the manager may appeal within thirty days to the nearest Magistrate, who may confirm, vary, or reverse the decision of the manager.

Code of rules by manager of mine.

73. Except so far as may be necessary in order to make the first opening to work any mining land, the occupier thereof shall not deposit any overburden or tailings upon any unworked land without the permission of an Inspector.

Overburden not to be deposited on unworked land.

Inspector may give directions as to overburden.

**74.** The occupier of any mining land may be directed by an Inspector to deposit his overburden or tailings upon any other land denoted by him.

Deposit of overburden on worked-out land.

**75.** The occupier of any worked-out land or mining land that has no mineral value shall, upon receipt of an order to that effect from an Inspector, permit the occupiers of any other lands to deposit overburden or tailings thereon.

Similar deposit on unworked land.

**76.** The occupier of any unworked land shall, upon receipt of an order to that effect from the Warden, permit the occupiers of any other land to deposit overburden or tailings thereon. The Warden shall not make any such order unless and until the occupiers in whose favour the order is to be made shall have given security to the occupier of the unworked land, by bond with sureties or by cash deposit, to the satisfaction of the Warden, to compensate the occupier of the unworked land for any loss or damage which he may suffer by reason of the overburden or tailings being deposited on his land.

Power of Warden as to earth, etc.

**77.** (i) The Warden shall have power to give such orders as may be necessary to control the disposal of all earth, sludge, dirt, tailings, or other refuse matter from any mine, washing-shed, stamping-house, water-course, or other place.

E. 11 of 1917.

(ii) *The Warden shall have power to order such precautions to be taken and such dams, spillways, channels, and other works to be constructed and maintained as may in his opinion be necessary to ensure that earth, sludge, dirt, tailings, or other refuse matter from any mine, washing-shed, stamping-house, water-course, or other place shall not be carried or washed away by storm water or by water used for the purpose of working any mine to any place not being a place where the same may lawfully be deposited.*

"Lombong Siam" not allowed without license.

**78.** (i) It shall not be lawful for any occupier of mining land, notwithstanding the terms of any document of title thereto, to commence or carry on, or allow to be commenced or carried on, upon such land any underground workings or workings of the nature known in Malay as "lombong Siam" or in Chinese as "ta lung" or "ta ngam" or "ta pak kop lung" without a license in writing under the hand of the Warden so to do.

Warden may refuse license.

(ii) The Warden may, at his discretion, grant or refuse any such license, and may grant the same subject to any terms or conditions as to construction, timbering, or otherwise, as he may think fit. In the event of the Warden refusing any such license or imposing any such conditions he shall, if so required by the applicant, state in writing the reasons for such refusal or for imposing such conditions; provided that such license shall not be refused to any person applying therefor who may be expressly authorized by any document of title to mining land to work the same by underground methods.

Requirements of license.

**79.** Every such license shall be substantially in the form of Schedule Q and shall

- (a) describe the limits of the land ;
- (b) contain such conditions as may be necessary for the protection of life and property ;
- (c) be liable at any time to cancellation or alteration by the Warden upon proof of breach of the conditions of the license, or if it shall appear to the Warden that further work under the license cannot be carried on efficiently, or is likely to cause danger to life or property.

**80.** (i) The occupier of any mining land, whether alienated before or after the commencement of this Enactment, in which any open pit, shaft, or adit exists shall

Open pit, etc., to be fenced, and shafts to be filled in.

- (a) erect and thereafter maintain such fencing as may be necessary to prevent the occurrence of any danger or damage to man or beast ;
- (b) surround with a substantial wall or fence the top of any shaft which for the time being is out of use or used only as an air-shaft ;
- (c) immediately fill in every shaft so soon as the same ceases to be required for further use, and every shaft which the Warden may by written order direct to be filled in ; provided that no person shall be liable to any penalty for failure to comply with such order of the Warden as aforesaid if he prove to the satisfaction of any Court before which the proceedings are taken that the shaft in respect of which the order was given was at the time of such order required for further use.

(ii) The Resident may, at his discretion, by order in writing signed by him, exempt the occupier of any particular mining land from all or any of the obligations imposed by sub-section (i).

**81.** Such occupier shall at all times, when necessary, securely timber and support all shafts, adits, levels, galleries, and underground passages in such a manner as to ensure the safety of all persons working in or passing through the same.

Shafts, etc., to be timbered and supported.

**82.** Such occupier shall provide and maintain, to the satisfaction of the Warden, such ladder or other ways as will furnish effectual means of exit from any underground working or of ascent and descent of persons without the assistance of winding machinery.

Ladderways.

**83.** All parts of every underground working shall be properly and sufficiently ventilated to the satisfaction of the Warden or an Inspector.

Ventilation.

**84.** Save as is provided by this Enactment, no person shall work any land by ground sluicing or by any method of removing or excavating earth by the direct action of water.

Hydraulic working prohibited save as herein provided.

**85.** (i) It shall be lawful for the Warden to grant to any person a license, for a period not exceeding twelve months and subject to such conditions as shall be therein stated, to work mining land by any of such means as are in the last preceding section mentioned.

License for hydraulic mining.

(ii) It shall also be lawful for the Warden, with the sanction of the Resident, to grant to any person a similar license for such period as may be therein stated.

Place for deposit of waste matter to be specified in license.

86. Every such license shall specify the land upon which waste matter from such workings may be deposited, and the applicant may be required to lodge in the Treasury a sum of money sufficient to defray the cost of removing such waste matter and compensating the owner of the land on which the same has been deposited, but such deposit shall not be deemed to be in full discharge of the liability of the applicant.

Warden may cancel or suspend license.

87. The Warden shall have power to cancel or to suspend for such period as he may think fit the operation of any license issued under the provisions of the two last preceding sections upon proof that the licensee shall have failed to observe or comply with any of the conditions thereof, or upon proof that he is carrying on mining operations in such a manner as to injure or be likely to injure the property of the State or to impair or be likely to impair the lawful rights, privileges, or possessions of any other person.

Suspension of dredging operations.

88. (i) The Warden shall have power in cases of emergency to suspend for such period as he may think fit any operations for the removal of alluvial deposits from beneath water by mechanical means or by suction dredges.

(ii) All dredging operations shall be conducted in conformity with rules made under this Enactment.

Removal of dredging-machine from one mining block to another.

E. 11 of 1917.

88A. (i) *Where the occupier of two or more blocks of mining land which are not contiguous has been carrying on mining operations on one of such blocks by means of a dredging-machine and shall prove to the satisfaction of the Resident that for the economical working of another of such blocks it is necessary that the dredging-machine be removed to such other block along a passage to be excavated by the dredging-machine through the intervening lands, it shall be lawful for the Resident to grant to such occupier a license, subject to such conditions as may be specified therein, to remove the dredging-machine through the said lands, and thereupon it shall be lawful for such occupier to enter upon the said lands and to do all such things as may be necessary to enable the dredging-machine to be removed accordingly.*

(ii) *Every license granted under this section shall be subject to the implied condition that the licensee shall not carry on mining operations upon, nor remove any metal or mineral from, any land to which the license applies.*

(iii) *Any person desiring to make any claim for compensation in respect of any loss or damage which may have been sustained by him by reason of anything done or omitted to be done by a licensee acting in pursuance of a license granted under this section shall submit particulars of such claim in writing to the Resident not later than six months after such loss or damage shall have been sustained, and the Resident, after such enquiry as he may think fit, may disallow such claim or may make an order directing the licensee to pay to the claimant by way of compensation such sum of money as may be specified in the order and it shall be the duty of the licensee to pay such sum of money accordingly.*

(iv) *The Resident shall have power to cancel or to suspend for such period as he may think fit the operation of any license granted under this section upon proof that the licensee has failed to observe or comply with any of the conditions thereof.*

## PART VI.

### DUTIES AND POWERS OF OFFICERS IN CHARGE OF MINES.

**89.** (i) The Chief Secretary may from time to time appoint, by notification in the *Gazette*, the following officers to carry out the provisions of this Enactment—namely, a Senior Warden of Mines, Wardens of Mines, Assistant Wardens of Mines, Inspectors of Mines, Overseers, Assistant Overseers of Mines, and such other officers as he may consider necessary for carrying out the purposes of this Enactment.

Appointment, powers, and duties of Wardens, Inspectors, and Overseers.

(ii) The duties and powers of the said officers shall be those assigned to them respectively by this Enactment and by any rules made thereunder and all officers appointed under this section shall be deemed to be public servants within the meaning of the Penal Code.

(iii) The Senior Warden may exercise all powers vested by this or any other Enactment in a Warden.

(iv) An Assistant Warden may exercise the powers and perform the duties assigned by this or any other Enactment to a Warden.

### WARDEN OF MINES.

**90.** (i) Every officer duly appointed to exercise the powers of Warden shall be vested by virtue of such appointment with the powers of a Magistrate of the First Class for the purpose of compelling the attendance of witnesses, of maintaining order in his Court, and otherwise of carrying into effect the provisions of this Enactment.

Warden to have powers of Magistrate of First Class and of Inspector.

(ii) Any powers given to an Inspector under this Enactment may be exercised by a Warden.

**91.** \* \* \* \* \* E. 11 of 1916.

**92.** A Warden of Mines may enquire into and decide all disputes between occupiers of mining lands, either amongst themselves or in relation to themselves and third parties, concerning any of the matters hereinafter mentioned, and shall have power to make any order which may be necessary for the purpose of giving effect to his decision and to order the payment by any party to the dispute of such compensation, not exceeding five hundred dollars, to any other party as may be reasonable. Such matters are as follows :

Warden may decide disputes between occupiers of mining lands.

(a) Concerning the claim of any person to be entitled to erect, cut, construct, or use, any pump, line of pipes, flume, race, drain, dam, or reservoir for mining purposes, or to have any priority of water taken, diverted, used, or delivered, as against any other person claiming the same ;

- (b) Concerning disputed boundaries : provided that the provisions of Section 67 of "The Land Enactment, 1911," shall not be affected ;
- (c) Concerning any wrongful act committed, or any act wrongfully omitted, or alleged to have been committed or omitted, in the course of mining operations, by any person against any other person ;
- (d) Concerning acts, omissions, or matters in the course of, connected with, or auxiliary to mining operations, requiring explanations which may have come to his knowledge.

Fees.

93. There shall be charged by a Warden fees in respect only of processes issued by him, and the rate of such fees shall be such as may from time to time be approved for the Court.

Procedure.

94. The mode of procedure in any complaint shall be as follows :

(i) The person complaining shall lodge a memorandum in writing at the office of the Warden, specifying shortly the subject-matter of the complaint and the remedy sought to be obtained, or he may make his complaint in person, at any time or place, to the Warden, who shall forthwith reduce it to writing ; and upon receipt of such memorandum or oral complaint the Warden shall, if he thinks the complaint is based on good grounds, issue a summons to the party against whose conduct such complaint is made, stating the nature of the complaint and the time and place at which the same will be enquired into, and he shall also notify and call all persons whose interests may, in his opinion, be affected by such enquiry.

(ii) At the time and place appointed the parties shall attend and state their case before the Warden, and may call evidence, and the Warden, having heard such statements and evidence and, if necessary, made an examination of the place in question, shall give his decision.

(iii) If any party interested shall have been duly summoned by the Warden to attend such enquiry and shall have made default in so doing, it shall be lawful for the Warden to hear and decide such complaint in the absence of such party, notwithstanding that the interests of such party may be prejudicially affected by such decision.

(iv) If at the time of receiving any such complaint as is mentioned in this section it appears to the Warden that all the parties interested, together with their witnesses, if any, can, without prejudice to the interests of any persons concerned, be forthwith assembled, and that the time and place are suitable for the holding of such enquiry, and that the interests of justice and of the persons so interested as aforesaid will best be served by holding an immediate enquiry, it shall be lawful for the Warden to forthwith cause all such persons to be assembled, and thereupon to proceed to hold his enquiry and to adjourn the same, at any stage of the proceedings, to such other time and place as he may appoint, or to give his decision or order thereon, or to reserve the same for further consideration, as to him may seem just.

(v) The Warden shall be entitled to appoint one or more assessors, to be nominated by him, to assist him in such enquiry.

(vi) Every person not being a Government officer summoned to serve as an assessor and taking part as assessor in any such enquiry held with the aid of assessors shall be entitled to receive from the public funds such remuneration as the Chief Secretary to Government may from time to time fix by notification in the *Gazette*.

(vii) Any person summoned to attend as an assessor who without lawful excuse fails to attend as required by the summons or having attended departs without having obtained the permission of the Warden or fails to attend after an adjournment of the enquiry after having been made aware that his attendance will be required shall be liable upon order made by the Warden to a fine not exceeding fifty dollars.

(viii) When any person is so fined in his absence the Warden shall forthwith send him a written notice of the fact requiring him to pay the fine or to shew cause before the Warden within seven days for not paying the same.

(ix) Any such fine may be enforced in manner provided by the Criminal Procedure Code, 1902, or any enacted modification thereof for the recovery of fines.

**95.** No Advocate or Solicitor shall be allowed to practise or appear for any person in a Warden's Court. Solicitor not allowed.

**96.** A Warden may, at any time before he has delivered judgment, order any case pending in his Court to be transferred to the Court. When Warden may transfer case.

**97.** The Court may, at any time before the Warden has delivered judgment, order any case pending in a Warden's Court to be transferred to the Court. When Warden shall transfer case.

**98.** It shall be lawful for any Civil Court other than the Court of a Judicial Commissioner, before which there may at any time be pending a suit in which there arises any issue relating to mining operations or mining land, to transfer such issue to a Warden's Court for trial, and the Warden shall thereupon try and determine such issue, and his decision may be enforced in the same manner, and shall be subject to the like appeal, as if the questions in dispute had come before him under Section 92. Power to Civil Courts to transfer cases to Warden.

**99.** It shall be lawful for a Warden to enquire into and decide any matter coming before him under this Enactment either in any Court-house in the district or in any other place in which the Warden may think fit to enquire into and decide the same, and any proceedings before a Warden may be conducted in any language which the Warden may allow. Warden may sit anywhere and conduct business in any language.

**100.** (i) A Warden shall keep a record of all cases heard and complaints decided by him and shall take notes in writing of all evidence given before him. Warden to keep record and take notes.

(ii) Any person interested in any dispute, decision, or order shall be at liberty to obtain a copy of such record and notes upon payment of the prescribed fee.

Enforcement  
of Warden's  
decrees.

**101.** (i) A Warden may send a copy, certified under his hand and seal, of any decree or order made by him to any Civil Court within the local limits of whose jurisdiction the subject-matter of the decree is situated, and such Civil Court shall enforce the decree of the Warden in the same manner in which it would enforce its own decree or order.

(ii) The same fees only shall be payable upon the enforcement of such decree or order as would be payable upon the enforcement of a like decree or order made by the said Civil Court.

Appeal to Court  
from decisions  
of Warden.

E. 11 of 1916.

**102.** (i) Any person aggrieved by any decree, order, or decision made or given under the powers vested in a Warden by Sections 34 (ii), 61, 68, 79 (c), 87, or 92, or by any finding or sentence arrived at or imposed under the powers vested in a Warden by Section 132 may appeal to the Court: provided that there shall be no appeal to the Court from any such decree, order, or decision in so far as the same may relate to the distribution or utilization of water in cases where no rights in respect of such water are vested by license or other written authority in the person aggrieved; and provided further that there shall be no appeal to the Court from any order or decision under Section 79 (c) unless the same be made or given on the ground of breach of the conditions of the license or that further work under the license cannot be carried on efficiently.

(ii) No appeal to the Court shall be admitted after the expiration of thirty days from the date of the decree, order, or decision appealed against.

Warden to be  
a party to  
appeal from his  
decision.

**103.** When an appeal from any such decree, order, or decision is heard by the Court, the Warden whose decree, order, or decision is appealed against shall be deemed to be a party to such appeal and shall be served with notice to attend the hearing in all respects as if he were a person interested in the dispute.

Warden may  
require owner  
of mining land  
to give informa-  
tion.

**104.** A Warden shall have power to issue a notice requiring any owner or occupier of mining land, or any person employed on or about such land, to appear before him at any reasonable time and place, and to require such owner, occupier, or other person to give such information as he may be possessed of, and every such owner, occupier, or other person shall be legally bound to comply with such notice.

Warden may  
call for plans  
and returns.

**105.** (i) A Warden may by written notice require owners or occupiers of mining land or persons having the management thereof to keep plans of their workings and to furnish to him accurate copies of any plans so made or copies of any plans of their workings which may be in their possession.

(ii) Owners or occupiers of mining land or persons having the management thereof shall furnish returns containing information as to their mining operations of such description and at such times as the Resident may either generally or in particular cases approve.

In certain cases  
Warden may  
stop mining  
operations.

**106.** If at any time the Warden shall consider that mining operations are being carried on upon any land in contravention of the requirements of Section 16 sub-section (v) or in such a manner



as to cause danger to life or property, it shall be lawful for him to issue an order to stop work upon such land, either in whole or in part, until such arrangements shall have been made as are, in his opinion, necessary either to secure compliance with such requirements or to avert such danger.

**107.** It shall be incumbent on the Warden to direct and control, in accordance with the provisions of this Enactment, all mines on lands alienated for mining purposes. Duty of Warden as to control of mining.

**108.** A Warden may issue to any person a pass in the form and subject to the conditions of Schedule R to wash ore by the method known as "dulang washing."

**109.** (i) A Warden may vary or cancel any order made under this Enactment by any officer subordinate to him. Orders may be varied or cancelled.

(ii) Any order or decision made or given by a Warden under this Enactment in respect of which no appeal is otherwise expressly provided may be varied or cancelled by the Resident.

#### INSPECTOR OF MINES.

**110.** The duties of an Inspector shall be as follows :

(i) To make entries day by day in a journal of all acts done by him and of all orders made by him in pursuance of the duties imposed upon him and the powers entrusted to him by the provisions of this Enactment, and to periodically submit such journal for the inspection of the Warden ; Inspector's duties.

(ii) To call for and inspect, whenever he may deem necessary any document of title to mining land or license in respect of mining, land or water ;

(iii) To satisfy himself by personal examination that all the conditions of such documents of title and licenses are being faithfully observed ;

(iv) Whenever he shall have reason to believe that any person is unlawfully carrying on, or is doing any act with a view to unlawfully carrying on, mining operations upon or under any State or reserved land or any land alienated for agricultural purposes, to forthwith visit and inspect such land, and to make such enquiry into the matter as may be necessary ;

If after such enquiry it appears to him that any person is so unlawfully acting as aforesaid, to call in the assistance of the police, if necessary, and to take proceedings against such person ;

(v) To satisfy himself, by personal inspection at frequent and regular intervals, that the requirements of this Enactment are consistently observed, and to report to the Warden any matter in respect of which he may be of opinion that any enquiry or order is necessary ;

(vi) To take measures to ensure the use of proper precautions in all mining operations for the prevention of danger, damage, or inconvenience to life or property ;

(vii) To make such orders as he may consider necessary in cases of dispute between occupiers of mining land in respect of their occupation or use of such land.

Inspector's  
powers.

**111.** The powers of an Inspector shall be as follows :

(i) To give all such lawful orders as may be necessary to enable him to effectually perform the duties imposed upon him by the last preceding section, and to exercise such powers as are vested in him by the provisions of this Enactment, and every such order shall be given in writing if so required by any person affected thereby ;

(ii) To arrest without warrant and take before the Warden or a Magistrate any person whom he may find committing an offence against the provisions of this Enactment.

Power of  
Inspector  
where works  
are dangerous  
to life or  
property.

**112.** In any case in which it appears to an Inspector that the condition of a mine or of any mining land, or of any of the lands or works or appliances appurtenant to or auxiliary to such mine or land, is such as to be likely to be a source of danger to life or property, the Inspector shall have power to give any order which he may deem advisable or necessary for the purpose of averting the same ; and if the danger to life or property is, in the opinion of the Inspector, serious and immediate, he may enforce or execute such order in a summary manner at the expense of the occupier of such mine or land.

#### OVERSEERS AND ASSISTANT OVERSEERS OF MINES.

Overseers.

**113.** (i) The duties of Overseers and Assistant Overseers of Mines shall be to assist the Inspector of Mines, to whom they are subordinate.

(ii) Overseers and Assistant Overseers of Mines shall, so far as is necessary for the purpose of carrying out their said duties, have the powers of a police constable.

### PART VII.

#### TRESPASSES AND PENALTIES.

Fine and  
forfeiture for  
occupying land  
or mining  
thereon without  
authority.  
E. 11 of 1916.

**114.** Any person found to be occupying or carrying on mining operations upon any land, or doing any act with the view to occupying or carrying on mining operations upon the same, without having received lawful authority *to occupy the same or to carry on such mining operations thereon* under any of the provisions of this Enactment, or in breach of any of the conditions thereof, shall be liable, on conviction, to a fine not exceeding one thousand dollars, and all machinery, tools, plant, buildings, or other property, together with any ore or other product which may be found upon, or proved to have been obtained from, the land so unlawfully occupied, shall be liable to forfeiture.

Penalties for  
disobedience  
to certain  
notices.

**115.** (i) Any person who shall wilfully neglect to comply with the requirements of any notice duly served upon him under Sections 9, 10, 12, 25, 27 (i), 59, 69, 104, or 105 shall be liable, on conviction,

to a fine not exceeding one hundred dollars, and any person who, after the service upon him of a second notice to the same effect, shall neglect to comply with the same shall be liable, on conviction, to a fine not exceeding two dollars a day for every day during which such neglect shall continue.

(ii) Any person neglecting to produce any metals or minerals in accordance with a notice published under Section 127 (ii), and every person selling or buying or otherwise disposing of or dealing in the same, before they have been so produced, shall be liable, on conviction, to a fine not exceeding two hundred and fifty dollars.

**116.** (i) Any person who shall make default in observing any of the covenants and conditions of his document of title to any mining land as prescribed by this Enactment shall be liable, on conviction, to a fine not exceeding two hundred and fifty dollars, and where such offence is a continuing one, he shall be additionally liable, on conviction, to a fine not exceeding five dollars for every day during which such offence shall be continued.

Penalties for infringing conditions of title.

(ii) Any person who shall, without permission in writing from the Collector, erect or permit to be erected upon mining land any house or other building except for such purposes as are mentioned in Section 15 (ii) shall be liable, on conviction, to a fine not exceeding two hundred and fifty dollars, and the Collector may cause such house or other building to be destroyed.

**117.** Any holder of an individual mining license who shall make default in observing any of the conditions of such license as prescribed by Section 42 shall be liable, on conviction, to a fine not exceeding fifty dollars.

Fine for breach of conditions of mining license.

**118.** Any holder of a license under Part III who shall make default in observing any of the conditions of such license shall be liable, on conviction, to a fine not exceeding one hundred dollars.

Fine for breach of conditions of prospecting license.

**119.** Any person who shall contravene the provisions of Sections 56, 60, or 68 (i) or who shall fail to obey any order given under Sections 55, 63, or 68 (iii), shall be liable, on conviction, to a fine not exceeding five hundred dollars, and additionally, on conviction, to a fine not exceeding ten dollars a day for every day during which such contravention or disobedience shall continue.

Penalty for disobeying sections, or order under sections.

**120.** Any person who shall fail to comply with any direction, condition, or restriction imposed on him under Section 68B, or to obey any order given under Section 77, or shall commit a breach of any of the provisions of Part V shall be liable, on conviction, to a fine not exceeding ten dollars a day for every day during which such disobedience or breach shall continue.

E. 11 of 1916.

Penalty for disobeying order or breach of provisions of Part V.

**121.** In the event of any person employed in or about a mine doing any act in such an unskilful or unworkmanlike manner as to be likely to cause danger or damage to any person on or about such mine or failing to take all such due and proper precautions as may be necessary to ensure the safety of any person on or about such mine, such person shall be liable, on conviction, \* \* to a penalty not exceeding two hundred and fifty dollars or one month's rigorous imprisonment.

Penalty for negligent conduct.

E. 11 of 1916.

Other penalties for disobedience of Warden's or Inspector's order.

**122.** Any person who shall fail to obey any lawful order made by a Warden or an Inspector, shall, in cases where no penalty is specifically provided, be liable, on conviction, to a fine not exceeding two hundred and fifty dollars, and in cases where such default may be continuing, to an additional fine not exceeding five dollars for every day during which such default may continue.

Penalty for offence dangerous to life or safety.

E. 11 of 1916.

**123.** Where a person who is an owner or occupier of mining land or any manager of or person employed in or about a mine commits a breach of any of the provisions of this Enactment which in the opinion of any Court \* \* \* before which the proceedings are taken was reasonably calculated to endanger the safety of persons employed in or about the mine, or to cause serious personal injury to any of such persons, or to cause a dangerous accident, and was caused as the result of personal default or personal negligence of the person accused, such person shall be liable, on conviction, to a fine not exceeding one thousand dollars or to imprisonment of either description for a period not exceeding three months.

Penalty for breach of rules.

**124.** Any person offending against the provisions of any rule made under this Enactment shall, in cases where such offence is of a continuing nature, be liable, in addition to any fine prescribed under Section 125, to a further fine not exceeding two dollars for every day during which such offence may continue.

## PART VIII.

### GENERAL.

Power to make rules.

**125.** The Resident may, with the approval of the Chief Secretary, from time to time make rules for fully and effectually carrying out and giving effect to the various purposes, provisions, and powers in this Enactment contained, and such rules when published in the *Gazette* shall have the force of law.

Such rules may provide for—

- (i) the fixing of premia, rents, and fees under this Enactment ;
- (ii) the service of notices issued under the provisions of this Enactment or of any rules made thereunder ;
- (iii) adding to and varying the rules prescribed by Schedule F ;
- (iv) prescribing the procedure to be taken under Sections 35, 37, or any other sections ;
- (v) prescribing the powers and duties of officers appointed under the provisions of this Enactment ;
- (vi) altering, adding to, or rescinding any of the forms contained in the schedules ;
- (vii) the regulation of mining operations, whether alluvial, hydraulic, lode, or otherwise, and the adoption in or about mines of any precautions necessary or desirable for the prevention of accidents and protection of human life ;
- (viiA) *the regulation of the construction, maintenance and use of lines of pipes for the conveyance of mineral oil ;*

E. 11 of 1916.

- (viiB) *the regulation, whether by licenses or otherwise, of refineries and works for the extraction of oil from oil shales, and the conduct of the operations thereof ;*
- (viii) the prohibition of the employment of specified classes of persons in underground workings ;
- (ix) the publication, enforcement, amendment, or cancellation of such codes of rules as may from time to time be made under the provisions of Section 72 ;
- (x) the furnishing by owners or managers of mines of statistical returns and the keeping and production by them of books and plans ;
- (xi) prescribing the fine with which the contravention of any rule made under this Enactment shall be punishable, but so that such fine shall not exceed one thousand dollars ;
- (xii) any other matters, whether similar or not to those above mentioned, as to which rules may be necessary or desirable for enforcing the provisions or purposes of this Enactment.

**126.** All minerals or metals won within any State shall be liable to such royalty as the Resident of that State, with the approval of the Chief Secretary, may from time to time fix by notification in the *Gazette*. Royalty.

**127.** (i) In any case in which the Resident may think it advisable, it shall be lawful for him, with the approval of the Chief Secretary, to commute for a fixed annual payment (hereinafter called a "commutation fee") in respect of every miner employed, any royalty upon metals or minerals. Commutation of royalty.

(ii) Where such commutation fee is imposed, it shall be lawful for the Resident to require, by notice published in the *Gazette*, that all metals or minerals won by those on whom the commutation fee is imposed shall be produced before the Warden, or such other officer as may be duly authorized in that behalf, and shall not be sold or otherwise disposed of until they have been so produced.

**128.** All lands alienated otherwise than for mining purposes before or after the commencement of this Enactment shall be liable to be resumed for mining purposes by the Ruler of the State in Council upon payment to the grantee or other person entitled thereto of compensation for such interest in the land as is conveyed by his title and for the improvements, if any, thereon ; such value, in case of disagreement, to be assessed in the manner provided by Part VII of "The Land Enactment, 1911." Resumption of alienated land.  
Compensation.

**129.** No title, license, or other authority issued under the provisions of this Enactment shall exempt any person from liability in respect of any damage occasioned by such person to the property of the Government or of any person. Miner's liability for damage.

**130.** Except with the sanction of the Ruler of the State in Council, or under the express provisions of any Enactment, no mining title shall be issued for land in respect of which any title, other than a mining title, has been issued and is in force. No mining title to be issued under certain circumstances without sanction.  
E. 10 of 1913.

Employer  
responsible  
for miners  
and workmen.

**131.** Whenever it is proved to the satisfaction of any Court having jurisdiction that a breach of any of the provisions of this Enactment, or of any rules published thereunder, has been committed by any miner or workman employed on the land in respect of which such breach has been committed, the employer of such miner or workman shall be held to be liable for such breach, and to the penalty provided therefor, unless he shall prove to the satisfaction of such Court that the same was committed without his knowledge or consent and that he had taken all reasonable means to prevent the same and to enforce the observance of such provisions.

Exception.

Provided that nothing contained in this section shall be deemed to exempt such miner or workman from liability in respect of any penalty provided by this Enactment for any breach proved to have been committed by him.

Trial of  
offences.

**132.** All offences punishable under Sections 115, 116, 117, 118, 119, 121, 122, or 124, and offences against the provisions of any rule under this Enactment punishable with fine not amounting to one thousand dollars shall be triable by the Warden or a Magistrate of the First or Second Class, and all offences punishable under Sections 114, 120, 123, or 125, and offences against the provisions of any rule punishable with fine which may amount to one thousand dollars shall be triable by the Warden or a Magistrate of the First Class.

Rewards to  
informers.

**133.** It shall be lawful for any Court before whom a conviction may be had under this Enactment to direct that any sum not exceeding one half of any fine recovered upon such conviction shall be paid to any person upon whose information or evidence such conviction was obtained.

## PART IX.

### PROTECTION OF OFFICERS.

Provision as  
to actions.

**134.** (i) No action shall be brought against any person for anything done or *bonâ fide* intended to be done, in the exercise or supposed exercise of the powers given by this Enactment, or by any rules made thereunder—

- (a) without giving to such person one month's previous notice in writing of the intended action, and of the cause thereof ;
- (b) after the expiration of three months from the date of the accrual of the cause of action ;
- (c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if, at the trial, the plaintiff shall fail to prove such allegation judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Magistrate before whom the action is tried shall certify his approbation of the action.

## PART X.

## ANCESTRAL MINING LAND.

**135.** "Ancestral mining land" shall mean such ascertained areas of mining land as have been specially granted in Perak by the State prior to the commencement of the "Mining Enactment, 1899," to persons who have established an ancestral claim thereto and are still held by such persons or members of their families in pursuance of such grant.

Meaning of  
"Ancestral  
mining land."

**136.** No quit-rent shall be payable in respect of any ancestral mining land.

Rent free.

**137.** The right of a holder of ancestral mining land shall be limited to the working of alluvial tin only.

Limited rights.

**138.** Such land shall be subject in all respects to the provisions of this Enactment with the following exceptions:

Special pro-  
visions.

- (a) No person shall be registered as the holder of such land unless he be a member of the family of the original grantee; provided that a person registered as sub-lessee of such land shall not for the purposes of this sub-section be deemed to be thereby registered as the holder thereof;
- (b) No such land shall be sub-leased for any period exceeding ten years from the date of the sub-lease or the term of the natural life of the sub-lessor;
- (c) The right to such land shall be liable to forfeiture if not exercised for a period of two consecutive years.

## SCHEDULE A.

## Section 2 (i).

## ENACTMENTS REPEALED.

State.	Number.	Short title.	Extent of repeal.
Perak ..	17 of 1904	The Mining Enactment, 1904	The whole
Selangor ..	19 of 1904	Do.	"
N. Sembilan	17 of 1904	Do.	"
Pahang ..	11 of 1904	Do.	"
Perak ..	2 of 1909	The Mining Enactment, 1904, Amendment Enactment, 1909	"
Selangor ..	2 of 1909	Do.	"
N. Sembilan	2 of 1909	Do.	"
Pahang ..	4 of 1909	Do.	"
Perak ..	12 of 1909	The Mining Enactment, 1904, Amendment Enactment, 1909 (No. 2)	"
Selangor ..	15 of 1909	Do.	"
N. Sembilan	15 of 1909	Do.	"
Pahang ..	15 of 1909	Do.	"

## SCHEDULE B.

## Section 5

District of.....

## APPLICATION FOR MINING LAND.

No.....of 19..

Received by me this.....day of.....19..

.....

*Collector.*

Address.....

Date.....

Sir,—I have the honour to apply that I may be granted a lease under “The Mining Enactment, 1911,” for.....acres of State land as described below, which I desire to work for..... [state the metal or mineral for which it is proposed to work and the proposed method of working].

2. I herewith deposit the sum of \$.....to cover the prescribed fees.

3. The land can be pointed out by....., who lives at.....

4. My address, to which any communication concerning this application may be sent to me by post, is.....

I am, Sir,

Your obedient servant,

(Signature) .....

To.....

The Collector.....at.....

## DESCRIPTION OF THE LAND APPLIED FOR.

Mukim.....

Locality.....

Distance from nearest town, village, or milestone (stating direction)

Area (in acres).....

Position of the land (see instructions overleaf).....

INSTRUCTIONS FOR DEFINING THE POSITION OF THE  
LAND APPLIED FOR.

(To be printed on the back of the Application Form.)

1. If the land applied for adjoins or is close to land already alienated, a sketch shewing it in its approximate position with respect to such alienated land must be given on the blank space hereunder and the lot number and plan number of such alienated land must be quoted.



2. If the land applied for is not close to any alienated land, its approximate distance from the nearest alienated land, with the direction, should be stated and a sketch must be given on the blank space hereunder shewing its approximate position with respect to some known point, together with all intervening features such as streams or paths.

3. When possible, the exact boundaries of the land applied for should be stated, giving an initial point and stating the bearing and length of each boundary in turn back to such point.

### SCHEDULE C.

Section 8 (i).

### MINING CERTIFICATE.

This is to certify that permission has this day been granted to .....of.....to occupy the land hereinafter described, and to work the same for..... subject to the provisions of "The Mining Enactment, 1911," and to the employment thereon of not less than.....coolies and pending the issue of a lease under the said Enactment. E. 11 of 1916.

No claim shall be maintainable in respect of the subsequent alienation of any portion of the land included in this certificate unless all landmarks by which the boundaries of the said land are defined be duly maintained and all boundary lines be kept open.

### DESCRIPTION OF THE LAND.

Mukim.....

Locality.....

Position.....

Approximate area.....acres.

Dated at.....this.....day of.....19..

Application No.....

Certificate No.....

.....  
*Collector.*

### SCHEDULE D.

Section 9 (i).

### LEASE FOR MINING LAND.

District of.....

No.....

This lease is issued by the Resident of.....on behalf of His Highness.....to.....and those claiming under him, to

occupy for the term of.....years from the date hereof that portion of land in the mukim of.....estimated to contain .....acres, as shewn on the annexed plan, and bounded as follows, that is to say :

.....  
Subject to the payment therefor of the annual rent of.....dollars .....cents, and to the employment thereon of not less than..... coolies, and to the provisions and conditions set out in "The Mining Enactment, 1911."

In witness whereof the said Resident has hereunto set his hand and caused the public seal of the State to be affixed at.....this.....day of 19.., in the presence of, ..... }

Signed by the said.....this.... }  
day of.....19.., in the presence of..... }

Registered at the.....Land Office, this.....day of.....19..

No.....

No. of former title .....

.....

*Collector.*

#### SCHEDULE E.

Form (i).

Section 9 (i).

#### NOTICE TO SIGN LEASE.

To.....of.....

Take notice that you are hereby commanded and required to attend either personally or by your duly appointed agent at the Land Office at.....within three months from the date of the service of this notice and there to sign Mining Lease No....., which has been prepared in pursuance of your Application No..... In default of your so attending you will be liable to the penalties provided by Section 115 of "The Mining Enactment, 1911," and your application and mining certificate will be liable to cancellation.

Dated at the Land Office at.....this.....day of.....19..

.....

*Collector.*

Form (ii).

Section 10.

## NOTICE TO TAKE OUT LEASE.

To.....of.....

Take notice that you are hereby commanded and required to attend either personally or by your duly appointed agent at the Land Office at.....within three months from the date of the service of this notice, and to pay the sum of \$.....due by you on account of .....and to surrender your Mining Certificate No....., and accept Mining Lease No.....which has been prepared in pursuance of your Application No..... In default of your so attending you will be liable to the penalties provided by Section 115 of "The Mining Enactment, 1911." and your application and mining certificate will be liable to cancellation, and the said lease will be returned to the Resident for cancellation.

Dated at the Land Office at.....this.....day of.....19..

.....

*Collector.*

[NOTE.—The words as to the surrender of the mining certificate to be deleted if not required.]

## SCHEDULE F.

Section 16 (iii) (b).

RULES FOR DETERMINING HORSE-POWER OF  
LABOUR-SAVING APPARATUS.

## STEAM ENGINES.

(1) The horse-power of steam engines is to be ascertained in the following manner :

When D = diameter of cylinder in inches ;

P = working pressure of boiler in lbs. per square inch ;

HP = horse-power.

Then for non-condensing cylinder engines :

$$HP = \frac{D^2 \times \sqrt{P}}{36}$$

(2) For condensing single cylinder engines :

$$HP = \frac{D^2 \times \sqrt{P}}{28}$$

For two or more cylinders of the same diameter working on the one shaft multiply the horse-power obtained from the single cylinder by the number of cylinders.

(3) For double or triple compound engines, condensing or non-condensing, multiply the horse-power obtained by the applied rule, using the high pressure cylinder diameter, by the number of cylinders.

In the case of a steam turbine or of an engine to which the above rules do not apply, the actual horse-power transmitted through the shaft will be taken as the horse-power.

#### FOR PISTONLESS PUMPS.

(4) When pulsating pistonless pumps of the Pulsometer, Aqua Thruster, Sirius, or other allied types are employed their horse-power shall be ascertained from the following table :

Makers' Pulsometer Numbers.	Size of Discharge Pipe in inches.	Horse-power.	Remarks.
1	1	$\frac{1}{2}$	In cases where the discharge pipes vary from figures herein quoted, the pulsometer whose overall dimensions are in nearest agreement with the apparatus under estimation shall be taken and the power standing against the said pulsometer number shall be accepted
2	$1\frac{1}{2}$	$1\frac{1}{4}$	
3	2	3	
4	$2\frac{1}{2}$	4	
5	3	5	
6	$3\frac{1}{2}$	6	
7	4	8	
$7\frac{1}{2}$	$4\frac{1}{2}$	10	
8	5	13	
9	6	18	
10	7	24	
11	8	30	
$11\frac{1}{2}$	9	37	

#### FOR SINGLE CYLINDER GAS, PETROL, OR OIL ENGINES OPERATING ON THE OTTO CYCLE OR CONSTANT VOLUME SYSTEM.

(5) When :

S = piston speed in feet per minute  $\div 2$  ;

A = area of piston in square inches ;

P = mean pressure = 70 lbs. per square inch ;

H = horse-power minute = 33,000 ;

IHP = indicated horse-power.

The indicated horse-power is to be found by the following formula :

$$\text{IHP} = \frac{S A P}{H}$$

#### FOR MULTI CYLINDER GAS, PETROL, OR OIL ENGINES OPERATING ON SAME CYCLE.

(6) The result as found above is to be multiplied by the number of cylinders, and when the number of cylinders does not exceed four the product is to be multiplied by 0.9 when it does not exceed six by 0.85 and not exceeding eight by 0.8.

FOR TWO-STROKE SINGLE CYLINDER GAS, PETROL, OR OIL ENGINES  
ON THE CONSTANT VOLUME SYSTEM.

(7) When :

E = number of explosions per minute ;

A = area of piston in square inches ;

L = stroke in feet ;

P = mean pressure in lbs. per square inch = 70 lbs.

The indicated horse-power is to be found by the following formula :

$$\text{IHP} = \frac{L E A P}{33,000}$$

FOR MULTI CYLINDER TWO-STROKE OR GAS ENGINES ON SAME SYSTEM.

(8) The same proceeding is to be followed as for multi-cylinder engines working on the Otto cycle.

FOR OIL ENGINES WORKING ON THE DIESEL OR CONSTANT PRESSURE  
SYSTEM.

(9) In the absence of indicator diagrams taken by an Inspector of Boilers, the horse-power shall be reckoned in the same manner as set forth in clause 4 above with the exception that the mean pressure shall be taken as 95 lbs. per square inch.

FOR ELECTRIC GENERATORS.

(10) Electric generators shall be rated at one horse-power for every 746 watts of output, as measured by standardized instruments.

HYDRAULIC PLANT.

(11) The horse-power of all hydraulic plant shall be calculated as follows :

Q = quantity of water used in cubic feet per minute ;

H = effective head ;

C = constant = 700 ;

$$\text{HP} = \frac{Q H}{C}$$

This does not apply to water used for sluicing in open channels.

(12) If any special case should arise to which the above formulæ would not apply, it shall be subject to an order by the Senior Warden, and methods of calculating the discharge of nozzles shall be settled by that officer.

## SCHEDULE G.

Section 16 (viii).

## NOTICE AS TO ADDRESS, ETC.

Name and address of lessee or license holder. ....

Name and address of occupier. ....

Name and address of advancer. ....

Nature and number of title under which the land is held. ....

Lot No. ....

Area. ....

## SCHEDULE H.

Section 21 (i).

NOTICE TO LESSEE TO SHEW CAUSE WHY  
LEASE SHOULD NOT BE FORFEITED.

To. ....

Whereas there is reason to believe that<sup>1</sup>. . . . .in consequence whereof your Lease No. . . . . : dated the. . . . .day of. . . . .19. . . , comprising the land following—namely :

Situation<sup>2</sup>. . . . .

Area. ....

Boundaries. . . . .has become liable to forfeiture ; now, with the approval of the Resident, I hereby call upon you, within. . . . . months from the service on you of this notice, to shew cause to the satisfaction of the Resident why the said lease should not be forfeited.

Dated this. . . . .day of. . . . .19. .

. . . . .

*Collector.*

<sup>1</sup> Here state the act or omission by which the forfeiture is alleged to have been incurred.

<sup>2</sup> Fill in particulars of land.

## SCHEDULE I.

Section 27.

## NOTICE TO EFFECT EXCHANGE OF TITLE.

To. . . . .of. . . . .

Take notice that whereas pursuant to<sup>1</sup>. . . . .a mining lease has been prepared for issue in substitution for. . . . .registered in your name, you are hereby required to attend either personally or by your duly appointed agent at the Land Office at. . . . .within three

<sup>1</sup> State whether application of owner, terms of agreement for lease, surrender, resumption, or order of Collector.

months from the date of the service of this notice and there to <sup>sign</sup><sub>accept</sub> the said lease, in default whereof you will be liable to the penalties provided by Section 115 of "The Mining Enactment, 1911."

<sup>1</sup> You are also required on issue of the said lease to deliver up.....

Dated at the Land Office at.....this.....day of.....19..

.....

*Collector.*

<sup>1</sup> Delete if not required.

#### SCHEDULE J.

Section 29 (i).

Form (i).

#### MEMORANDUM OF TRANSFER.

I,....., being registered as the owner of the land described in Mining Lease No.....and registered in the Land Office of the .....district (subject to such charges as are notified by memorandum endorsed hereon, and to the annual rent of \$.....) :

In consideration of the sum of.....paid to me by....., the receipt of which sum I hereby acknowledge, do hereby transfer to the said.....all my right, title, and interest in the said land.

In witness whereof I have hereunto set my hand this.....day of.....19..

.....

*Transferor.*

I hereby accept this transfer in the terms herein stated.

.....

*Transferee.*

Signed by the above-named  
transferor in the presence of }

Signed by the above-named  
transferee in the presence of }

Particulars entered in Register....., volume....., folio.....

.....

*Collector.*

Form (ii).

## MEMORANDUM OF CHARGE.

I,....., being registered as the owner of the land described in Mining Lease No.....and registered in the Land Office of the .....district (subject to such charges as are notified by memorandum endorsed hereon, and to the annual rent of \$.....) :

In consideration of the sum of.....lent to me by.....(hereinafter called the chargee), the receipt of which sum I hereby acknowledge, do hereby bind myself to pay to him interest on the said sum of.....at the rate of.....per cent. per annum, by equal .....payments on the.....in every year, and will repay to him the said sum of.....on.....19..

In default of payment of the interest or of any part thereof, or of the principal sum hereby secured, it shall be lawful for the said chargee on obtaining an order from the Collector to require the sale of the said land after the service of three months' notice upon me, or at my usual or last known place of abode within the State.

If any default be made in payment of the interest due upon this charge, the said principal sum shall immediately thereon become due and payable on demand being made by the said chargee by notice served as above mentioned.

<sup>1</sup> And I further bind myself that I will insure all buildings on the said land for the sum of.....in the joint names of the said chargee and myself, in such office as he may from time to time direct, and should default be made herein it shall be lawful for the said chargee to insure the same and to recover the costs and charges of so doing in the same manner as arrears of interest.

And for the better securing the repayment of the said principal sum and interest I hereby charge the land above described with such principal sum and interest.

In witness whereof I have hereto set my hand this.....day of.....19..

.....

*Owner.*

Signed by the above-named }  
owner in the presence of }

Particulars entered in Register....., volume....., folio.....

.....

*Collector.*

<sup>1</sup> This clause may be deleted by consent of both parties.



Form (iii).

## MEMORANDUM OF CHARGE (ALTERNATIVE FORM).

I, . . . . ., being registered as the owner of the land described in Mining Lease No. . . . . and registered in the Land Office of the . . . . . district (subject to such charges as are notified by memorandum endorsed hereon and to the annual rent of \$. . . . .) :

In consideration of the sum of . . . . . lent to me by . . . . . (hereinafter called the chargee), the receipt of which sum I hereby acknowledge, do hereby bind myself to pay to him the said sum of \$. . . . . by equal monthly payments of \$. . . . . on the . . . . . day of every month, the first of such payments to be made on the . . . . . day of . . . . . next.

If default be made in respect of any of the said payments or of any part thereof it shall be lawful for the said chargee on obtaining an order from the Collector to require the sale of the said land after the service of three months' notice upon me or at my usual or last known place of abode within the State.

If default be made in respect of any of the said payments or of any part thereof the said sum of \$. . . . . shall immediately thereon become due and payable on demand being made by the said chargee by notice served as above mentioned.

Interest at the rate of \$. . . . . per cent. per annum shall be payable on the whole or any part of the said sum of \$. . . . . remaining unpaid after the same shall have become due.

And for the better securing the payment of the said sum of \$. . . . . and interest I hereby charge the land above described with the said sum of \$. . . . . and interest.

In witness whereof I have hereunto set my hand this . . . . . day of . . . . . 19..

. . . . .

*Owner.*

Signed by the above-named }  
owner in the presence of }

Particulars entered in Register. . . . ., volume. . . . ., folio. . . . .

. . . . .

*Collector.*

Form (iv).

## MEMORANDUM OF SUB-LEASE.

District of. . . . . Mukim. . . . .

No. . . . .

I  
We. . . . . hereinafter called the sub-lessor, being the registered  
lessee of a piece of mining land at. . . . . described in. . . . . lease  
No. . . . . of date. . . . . and subject to such encumbrances, liens,  
and interests as are endorsed thereon :

Do hereby sub-lease to.....hereinafter called the sub-lessee (a) all that portion of the said piece of mining land coloured red upon the plan hereunto attached, and estimated to contain..... acres.....roods and.....poles more or less for the period of (b).....subject to the provisions of "The Mining Enactment, 1911," and to the following conditions, restrictions, and exceptions:

1. That the sub-lessee shall pay to the sub-lessor or to his duly appointed agent tribute upon all ore removed from the said land at the rate of

2. That the said tribute shall be paid (c).....

3. That the sub-lessee shall be liable upon suit before the Warden or any Court to pay to the sub-lessor the sum of \$.....as a penalty for each and every breach of the conditions above set out which he may commit.

4. That the sub-lessee shall work the said land in an orderly, skilful, and workmanlike manner and subject to the provisions of "The Mining Enactment, 1911," and shall be liable to indemnify the sub-lessor for any expenses which he may incur whether as fine inflicted on him or otherwise on account of any breach of this condition by the sub-lessee.

5. That the sub-lessor or his duly appointed agent may at all reasonable times enter upon and view the land, and may inspect any books of account of ore produced from the land.

6. That the.....shall be liable to pay to the State the annual rent due upon the land.

7. That the sub-lessee <sup>shall</sup>~~shall not~~ be entitled to transfer or assign this sub-lease without the written authority of the sub-lessor.

8. That this sub-lease shall be liable to cancellation at any time by the Warden or the Court upon proof—

(i) That the sub-lessee has failed to pay to the sub-lessor the amount of any moneys which he is by the terms of this sub-lease bound to pay for a period of six months from the date at which such payment became due.

(ii) That the sub-lessee has not worked the land in accordance with clause 4 of the sub-lease, or has by his default rendered the land liable to forfeiture under "The Mining Enactment, 1911."

(iii) That the sub-lessee has not during a period of six months employed at least.....miners for not less than one month in mining the land.

(iv) That the sub-lessee has committed a breach of clause 7 of the sub-lease (d).

Dated this.....day of.....19..

.....

*Sub-Lessor.*

I  
we do hereby accept this sub-lease to be held by  $\frac{me}{us}$  as sub-lessee for the term and subject to the conditions, restrictions, and exceptions above set forth.

.....

*Sub-Lessees.*

Signed by the above-named  
sub-lessor in the presence of }

Signed by the above-named  
sub-lessee in the presence of }

Particulars entered in the Register....., volume....., folio.....

.....

*Collector.*

(a) If the whole land is to be sub-leased strike out the words "that portion of" and from "coloured red" to "attached and" inclusive.

(b) Add term of sub-lease—*c.g.* "five years" or "of the said lease or of any renewal thereof for which renewal the sub-lessor hereby undertakes to apply if so desired by the sub-lessee."

(c) Add time when, place where, and manner in which tribute is to be paid—*c.g.* "immediately after each sale of ore, of which sales the sub-lessor shall have full notice and the right to be present and to buy such ore at the price at which it is being offered for sale" or "after each smelting," etc.

(d) Here insert any further conditions, restrictions, or exceptions.

## SCHEDULE K.

### Section 35 (i).

## NOTICE BY CHARGEЕ DEMANDING PAYMENT OF MONEY DUE UNDER CHARGE.

(NOTE.—This form to be altered as circumstances may require.)

To.....of.....

I,.....of.....do hereby demand from you, at the expiration of three months from the date of the service on you of this notice, payment of all such principal money and interest as shall then be due and owing to me upon or by virtue of a certain instrument of charge, registered No.....dated the.....day of.....19..., whereby the land hereunder described was charged with the sum of dollars .....and interest as therein mentioned: And I give you notice that, in default of payment thereof, I shall apply to the Collector for the district of.....to order the sale of the said land, or of such portion thereof as may be necessary.

Dated this.....day of.....19..

.....

*Signature of Chargee.*

### DESCRIPTION OF THE LAND ABOVE REFERRED TO.

Locality.....

Area.....

Boundaries.....

## SCHEDULE L.

## Section 35 (ii).

NOTICE BY COLLECTOR THAT CHARGEЕ HAS APPLIED  
FOR ORDER FOR SALE OF LAND.

(NOTE.—This form to be altered as circumstances may require.)

To.....of.....

Whereas.....of.....the holder of Charge No.....dated the  
.....day of.....19.., on the land hereunder described, has  
applied to the Collector for the district of.....for an order for the  
sale of the said land : And whereas it has been made to appear to  
the said Collector that you would be affected by such order :

Now take notice that the said application will be heard before  
the said Collector at.....o'clock in the.....noon at the said  
Collector's Office at.....on the.....day of.....19.., and that  
you can then, if you wish, appear before the said Collector and be  
heard in the matter of the said application.

Witness my hand and seal of office this.....day of.....19..

.....

*Collector.*

## DESCRIPTION OF THE LAND ABOVE REFERRED TO.

Locality.....

Area.....

Boundaries.....

## SCHEDULE M.

## Section 38 (i).

CAVEAT FORBIDDING REGISTRATION OF DEALING  
WITH LAND.

To the Collector.....

Take notice that I, A. B., of [residence and description] claiming  
[here state the nature of the interest and the grounds upon  
which such claim is founded] in [here describe land and refer  
to mining lease or certificate] forbid the registration of any dealing  
with the before-mentioned land until this caveat be withdrawn  
by the caveator or by the order of the Court, or unless such dealing  
be subject to the claim of the caveator, or until after the lapse of  
twenty-one days from the date of the service of notice by the  
caveatee, at the following address :

Address for service of notice.....

Dated this.....day of.....19..

I, the above-named A. B. (or C. D. of [residence and description],  
agent for the above A. B.), affirm that the allegations in the above  
caveat are true in substance and in fact (or, if no personal knowledge,  
as I have been informed and verily believe).

Schedule M<sup>1</sup>.

E. 10 of 1918.

## Section 39c.

## PROPRIETARY MINING LICENSE.

This license authorizes the registered  $\frac{\text{proprietor}}{\text{lessee}}$  for the

time being of the land held under { Grant No.....,  
Certificate of Title No.....  
issued in pursuance of Grant  
No.....,  
Entry No.....in the mukim  
Register of the mukim of.....  
Lease No.....,

being portion No.....in the mukim of.....in the district of.....,  
to mine the same [or the portion thereof estimated to contain acres  
.....roods.....and poles....., more or less, which said portion  
with the dimensions, abutments, and boundaries thereof is delineated  
on the plan drawn hereon and more particularly on Revenue Survey  
Plan No.....deposited in.....] for tin and tungsten ores from  
the date hereof until the.....day of....., 19...., or until the  
date of cancellation or other determination of the rights created in

respect of the said land by the said { Grant No.....,  
Grant No.....,  
Entry No.....,  
Lease No.....,

whichever of the said dates shall be the earlier, and to remove, dispose  
of, dress, and treat any such ores won from the said land, subject to  
the payment in respect of this license of the annual rent of.....  
dollars.....cents and to the provisions of "The Mining Enactment,  
1911," and of the Enactments amending the same.

Dated this.....day of....., 19..

.....

Collector.

## SCHEDULE N.

## Section 41.

## INDIVIDUAL MINING LICENSE.

This license authorizes.....of.....personally, and not other-  
wise, to mine any mineral deposit *other than oil shales and mineral oils* E. 11 of 1916.  
within the following area—namely,

[Here describe the area over which the license extends.]

This licence expires on the 31st December, 19..; it does not  
apply to any person other than the said.....and is subject to the

conditions and limitations contained in "The Mining Enactment, 1911."

Dated this.....day of.....19....

Fee paid \$.....

.....

*Collector.*

#### SCHEDULE O.

##### Section 46

#### PROSPECTING LICENSE.

This license authorizes.....of.....

(a) To prospect for the following metal or mineral—namely : for the period of.....commencing from the... ..day of.....19.., within the area hereunder described, subject to the conditions and limitations contained in Part III of "The Mining Enactment, 1911";

(b) To select and receive a lease for.....acres of State land within the area hereunder described on proof to the satisfaction of the Resident that the licensee has done a sufficient amount of prospecting work to entitle him to such lease.

This license is liable to cancellation by the Resident if the licensee shall cease altogether to work within the area hereunder described for a period of.....

##### DESCRIPTION OF PROSPECTING AREA.

Position.....

Approximate area.....

Boundaries.....

Dated this.....day of....., 19....

Fee paid \$.....

.....

*Collector.*

#### SCHEDULE P.

##### Section 58 (ii).

#### LICENSE FOR USE OF WATER.

Permission is hereby granted to.....of.....to carry and use water from.....for a period of twelve months on the terms and in the manner herein set out and subject to the provisions of "The Mining Enactment, 1911."

##### TERMS AND CONDITIONS.

Dated at.....this.....day of.....19....

.....

*Warden of Mines.*

## SCHEDULE Q.

Government of.....

## LICENSE TO WORK UNDERGROUND.

No.....

Issued under Section 79 of "The Mining Enactment, 1911."

Name of Owner.....

Name of Advancer.....

Name of Sub-lessee (if any).....

Mining title.....No.....Plan No.....

District.....Mukim.....

Locality.....

Permission is hereby granted to.....of.....to work the land described in the above-mentioned title by underground mining and to sink shafts for that purpose for the period from....., 19.., to 31st December, 19.., upon the following conditions :

1. That this license shall be conspicuously and continuously exhibited near the entrance to the principal shafts on this land, and that all shafts which are no longer required shall be immediately filled up.

2. That all requirements of any Inspector of Mines as regards drainage and the provisions of Sections 80 to 83 of "The Mining Enactment, 1911," shall be promptly and carefully complied with, and that when any shaft has remained unused for any length of time, special precautions against noxious gases shall be adopted before resuming work in it.

3. That all shafts shall be timbered to a depth of at least six feet from the surface of the ground, provided that, where the wall of the shaft shews the slightest tendency to crumble or wherever the Warden or an Inspector of Mines may require it, such shaft shall be timbered to the bottom or to such further depth as may appear necessary.

4. That all pumping shafts shall be timbered from the surface to the bottom of shaft and, where a double shaft is used, a ladder partition shall be constructed to the same depth.

5. That under no circumstances, except for the purpose of replacing and repairing the same, shall any timber, once fixed and placed in position, be removed from the side of any shaft without the express permission of an Inspector of Mines.

6. That only safety hooks for baskets or buckets of a pattern approved by the Warden shall be used in all shafts.

7. That all ladders, windlasses, brakes, ropes, winding gear, and timbering shall be kept in a state of efficiency and proper repair to the satisfaction of the Warden or an Inspector of Mines.

8. That no woman and no boy under the age of 16 years shall be employed in any underground working.

9. That no shaft shall be sunk within 20 feet of any other shaft without the express permission of an Inspector of Mines.

10. That no shaft shall be sunk within 200 feet of the centre of any public road or railway line.

11. That baskets or slings of a pattern approved by the Warden of Mines shall be used for raising and lowering miners and materials in the shafts.

12.

Dated at.....this.....day of..... 19..

.....

*Warden of Mines.*

#### SCHEDULE R.

#### DULANG PASS.

Issued under Section 108 of "The Mining Enactment, 1911."

Permission is hereby given to.....male, living at....., to wash for tin ore with a dulang only, on (a) lands alienated for mining purposes with the permission of the lawful occupier thereof, or (b) State lands.

The presentation of this document by the registered holder thereof to a buyer duly licensed under the "Mineral Ores Enactment" shall be sufficient evidence that the holder thereof is entitled to sell tin ore.

This permit expires on the 31st of December, is not transferable, and is liable to cancellation by the Warden or Inspector without any reason being assigned and it only refers to the State of.....

Issued by.....

MINES OFFICE,

.....

.....

*Warden of Mines*

*for the State of.....*



## ENACTMENT NO. 13 OF 1911.

As amended by Fed. E. 16 of 1913.

An Enactment to consolidate the law regarding the  
Transfer of Land by Registration of Titles.

ARTHUR YOUNG,  
*President of the Federal Council.*

[24th November, 1911.  
1st October, 1913.]

It is hereby enacted by the Rulers of the Federated Malay States  
in Council as follows :—

Preamble.

### PART I.

#### PRELIMINARY.

1. (i) This Enactment may be cited as “The Registration of  
Titles Enactment, 1911,” and shall come into operation upon such  
date as the Chief Secretary to Government may, by notification in  
the *Gazette*, appoint.

Short title and  
commence-  
ment.

(ii) Nothing in this Enactment contained shall apply to leases  
issued under any law in force for the time being relating to mining.

Exception.

(iii) The Enactments specified in the first schedule hereto are  
hereby repealed to the extent mentioned in the fourth column of  
the said schedule ; provided always that such repeal shall not affect  
the past operation of any of the said Enactments, nor any right,  
title, or interest created, nor the validity or otherwise of any order  
made or of anything done or suffered under any of the said Enact-  
ments.

Repeal.

(iv) All appointments made under the provisions of any of the  
Enactments hereby repealed shall be deemed to have been made  
under this Enactment.

Existing  
appointments.

2. In this Enactment unless there be something repugnant in  
the subject or context—

Interpretation.

The words “the State” mean with reference to any particular  
piece of land, or any right, title, or interest therein, or any duty or  
obligation connected therewith, or any matter whatsoever incidental  
thereto, the State in which such land is situated, and the words  
“the Ruler” and “the Resident” mean, respectively, the Ruler or  
Rulers of that State and the Resident of that State.

“Charge” means any charge created on land for the purpose of  
securing the payment of money, and also the instrument by which  
the charge is created.

“ Chargee ” means the person in whose favour a charge is created, and includes the person for the time being entitled to the benefit of such charge.

“ Collector ” means the Collector of Land Revenue or any other officer for the time being in charge of the land administration of a district.

“ The Court ” means the Court of a Judicial Commissioner.

“ Dealing ” means any transaction, of whatever nature, by which land is affected under this Enactment or under any Enactment hereby repealed.

“ Grant ” means a grant of State land issued by or under the authority of the Ruler of the State, and includes a lease of State land in perpetuity or for a term of not less than 999 years.

“ Land ” means land which was originally comprised in a grant or in any such lease as is referred to in Section 27, or for which a certificate of title has been issued under this Enactment or under any of the Enactments hereby repealed, and includes things attached to the earth or permanently fastened to anything attached to the earth.

“ Lunatic ” means any person who has been found by the Court to be incapable of managing his own affairs.

“ Memorial ” means the entry signed by the Registrar on the grant or certificate of title embodied in the register of any instrument presented for registration with the time of registration.

“ Person of unsound mind ” means any person who, though not having been found a lunatic by the Court, is, in fact, incapable of managing his own affairs.

“ Proprietor ” means the person or corporation registered under this Enactment or under any of the Enactments hereby repealed as the owner of land.

“ Register ” means the register of titles to land, kept in accordance with any of the Enactments hereby repealed or to be kept in accordance with this Enactment.

“ Registrar ” means a Registrar of Titles appointed under this Enactment, and includes “ Deputy Registrar.”

The words “ the Registrar ” mean with reference to any particular piece of land, or any right, title, or interest therein, or any duty or obligation connected therewith, or any matter whatsoever incidental thereto, the Registrar of the State or registration district in which such land is situated.

“ Registration district ” means a district created by the Resident under Section 3 of this Enactment or under any of the Enactments hereby repealed.

“ Representative ” means the person authorized by law to represent the estate of a person who is dead, or lunatic, or otherwise under incapacity, and “ Certificate of Representation ” means the order of Court or other document by which such representative is appointed.

“Transfer,” used in connection with land or a charge, means the passing of such land or charge by act of the parties and not by operation of law, and also the instrument by which such passing is effected.

“Transmission,” used in connection with land or a charge, means the passing of such land or charge by operation of law—as, for example, on the death of the person entitled to such land or charge.

“Treasurer” means a State Treasurer or District Treasurer, as the case may require.

## PART II.

### CREATION OF DISTRICTS AND APPOINTMENT, POWERS AND DUTIES OF OFFICERS.

3. In each State the Resident may, by warrant under his hand and seal, divide the State into districts for the purposes of this Enactment, and appoint either for the State or for each such district a Registrar of Titles and such Deputy Registrars and other officers as he may think necessary for carrying out this Enactment.

Appointment  
of Registrar.

4. Every Registrar shall have a seal of office, with which he shall seal all certificates of title issued by him, and stamp all instruments presented to him for the purpose of authorizing an act of registration.

Seal.

## PART III.

### GOVERNMENT GRANTS, TRUSTS, TRANSFERS, AND TRANSMISSIONS OF LAND.

5. After the coming into operation of this Enactment, and subject to the provisions of sub-section (ii) of Section 1 hereof, all land which is comprised in any grant, whether issued prior or subsequent to the coming into operation of this Enactment, shall be subject to this Enactment, and shall not be capable of being transferred, transmitted, mortgaged, charged, or otherwise dealt with except in accordance with the provisions of this Enactment, and every attempt to transfer, transmit, mortgage, charge, or otherwise deal with the same, except as aforesaid, shall be null and void and of no effect, and, in particular, the provisions of Part VIII relating to the enforcement of charges shall extend and apply to mortgages of land which have been executed before the coming into operation of this Enactment, so that the powers in such mortgages mentioned shall only be exercisable in accordance with the provisions of Part VIII, or as near thereto as circumstances admit.

Land comprised  
in grant or lease  
in perpetuity,  
whether issued  
before or after  
this Enactment  
to be subject  
thereto.

6. Grants shall be in duplicate, and every grant, in addition to proper words of description, shall contain a diagram of the land on such scale as the Resident may from time to time direct. The duplicate shall be delivered out of the Collector's office to the Registrar of the State or of the registration district in which the land is situated, who shall register the grant in manner hereinafter directed, and thereafter deliver one of such duplicates to the Collector for issue to the grantee, and retain the other to be bound up in the register as hereinafter directed.

Government  
grants.

Certificate of title.

7. When land comprised in a grant has been transferred or transmitted in manner hereinafter provided, the Registrar shall issue, in duplicate, a certificate of title in favour of the new proprietor in the terms contained in Form A of the second schedule, one duplicate of which he shall register in the same manner as is hereinafter provided for grants, and the other he shall deliver to the new proprietor, and in like manner a fresh certificate of title at every fresh transfer or transmission : and the previous certificates of title shall be held as cancelled, and the title of the proprietor under each fresh certificate shall be as valid and effectual in every respect as if he had been the original grantee in the grant of the land contained in the certificate.

Certificate of title to be held conclusive evidence of proprietorship.

8. The duplicate certificate of title issued by the Registrar to any purchaser of land upon a genuine transfer or transmission by the proprietor thereof shall be taken by all Courts as conclusive evidence that the person named therein as proprietor of the land is the absolute and indefeasible owner thereof, subject to the conditions and agreements expressed or implied in the original grant, and the title of such proprietor shall not be subject to challenge, except on the ground of fraud or misrepresentation to which he is proved to be a party, or on the ground of adverse possession in another for the prescriptive period. And a certified copy of any registered instrument, signed by the Registrar and sealed with his seal of office, shall be received in evidence in the same manner as an original.

Caveat to stop dealing in any land.

9. When conditions are contained in any instrument of transfer or transmission they shall not be registered, but any person who may consider himself entitled to challenge the right of the proprietor of land because of any condition contained in any such instrument, may enter a caveat in manner hereinafter provided to stop all dealings in the land conveyed by such instrument, until his rights be determined in manner provided in Part XII hereof.

Trustees.

10. When the proprietor of land shall transfer the same to trustees the Registrar shall not make any entry in the register of the trusts, but he shall register the fact that the persons in whose favour the instrument is granted are trustees by adding the words "as trustees" after their names and designations in the register and on the duplicates of the certificate of title to be issued in their favour ; and the instrument creating the trust or a duplicate or certified copy thereof shall be preserved in the Registry.

Survivorship in case of trustees.

11. When two or more trustees are appointed by any instrument to execute a trust and one or more of them die, the survivors or survivor of them may execute the trust, unless the terms of the instrument express a contrary intention, and the Registrar shall add after the words "as trustees" in the certificate of title the words "with survivorship" or "no survivorship," as the case may be.

Caveats on dealing with trust property.

12. The grantor of the instrument of trust, or the beneficiaries thereunder, or any one of the trustees, or the guardian or next friend of any minor having interest may, by caveat as hereinafter provided, stay the registration of any instrument of transfer or dealing with the land until the caveator has been heard for his interest in the manner provided in Part XII hereof.

Transmission of land on death of proprietor.

13. All land shall, upon the death of the proprietor, pass to and become vested in his representative.

14. Land held in trust transmitted under the last preceding section shall continue to be subject to all trusts to which it was subject at the time of the death of the proprietor, and all other land so transmitted shall be included by the representative in his inventory and account, and shall, with the other property of the deceased, be disposable for payment of debts or otherwise, according to the law or custom of the State in which the land is situated.

Such land to be subject to trusts.

15. The Court, upon the application of the representative of a deceased proprietor or of any person beneficially interested, or if any person beneficially interested is a minor or of unsound mind then on the application of the guardian, next friend, or other person appointed by the Court to act on behalf of the minor or person of unsound mind in the matter, and after such previous notice to other parties and enquiry as it shall think fit to order, may direct the course of proceeding which shall be taken in regard to the time and mode of sale of such land, the letting and management thereof until sale, the application for maintenance or advancement or otherwise of shares of minors, the expediency and mode of effecting a partition if applied for, and generally in regard to the administration of the property for the greatest advantage of all persons interested.

Court may make order as to management of land of deceased proprietor.

16. In any case wherein upon such enquiry the Court shall be satisfied that a partition of the land would be advantageous to the parties interested therein, the Court may appoint one or more arbitrators to effect such partition, and to exercise in regard thereto, under the direction and control of the Court, such powers as the Court may by any order confer : and the report and final award of the said arbitrators, setting forth the particulars of the land allotted to each party interested, shall, when signed by them and confirmed by the order of the Court, and when also registered, be effectual, without the necessity of any further instrument of transfer, to vest in each allottee the land so allotted.

Partition.

17. The Registrar shall issue to the said allottee a certificate of title accordingly, and open a folium in the register for each allottee in manner hereinafter provided in the case of transfers. And if such allotment be made subject to the charge of any money payable to any other party interested for equalizing the partition, such charge shall, when registered, take effect according to the terms and conditions in regard to the time and mode of payment and otherwise, which shall be expressed in such award without the necessity of any further instrument being made or executed, and a memorial thereof shall be entered on the folium of the register, and on the certificate of title delivered to the allottee.

Certificate of title to be issued to allottee on partition.

#### PART IV.

#### REGISTER OF TITLES, MODE OF REGISTRATION, EFFECT OF REGISTRATION.

18. Every Registrar shall keep a book to be called the "Register of Titles," and shall bind up therein the duplicates of all grants and of all certificates of title to be issued as hereinafter provided, and each grant and certificate of title shall constitute a separate folium

"Register of Titles."

of such book ; and the Registrar shall record therein the particulars of all instruments, dealings, and other matters by this Enactment required to be registered or entered in the register, affecting the land contained in each grant or certificate of title.

" Presentation Book."

19. Every Registrar shall also keep a book to be called the " Presentation Book," in which shall be entered by a short description every instrument which is given in for registration, with the day and hour and, when that is required by the person presenting the instrument, the minute of presentation, and for purpose of priority the time of presentation shall be taken as the time of registration. The Registrar in entering memorials upon the grants and certificates of title embodied in the register and endorsing a memorandum upon an instrument to be issued shall take the time from the presentation book as the time of registration.

When any instrument shall be deemed and taken to be registered.

20. Every grant shall be deemed and taken to be registered under the provisions and for the purposes of this Enactment so soon as the same shall have been marked by the Registrar with the folium and volume, so as to indicate its place in the register ; and every transfer and other instrument purporting to transfer or in any way to affect land under the provisions of this Enactment shall be deemed to be so registered as soon as a memorial thereof, as hereinafter described, shall have been entered in the register upon the folium constituted by the existing grant or certificate of title of such land.

Priority of registration to give priority of title.

21. Except as is hereinafter otherwise provided every instrument presented for registration shall be in duplicate, and shall, unless it be a grant, be attested by a witness, and shall be registered in the order of time in which the same is presented for that purpose ; and instruments registered in respect of or affecting the same land shall, notwithstanding any express, implied, or constructive notice, be entitled to priority according to the date of registration, and not according to the date of each instrument itself ; and the Registrar, upon registration thereof, shall file one original in his office, and shall deliver the other to the person entitled thereto, and so soon as registered every instrument shall, for the purposes of this Enactment, be deemed and be taken to be embodied in the register as part and parcel thereof.

Agreement by transferor implied in all transfers.

22. In every instrument creating or transferring any interest in land, there shall be implied the following agreement by the party creating or transferring such interest—that is to say, that he will do such acts and execute such instruments as in accordance with the provisions of this Enactment may be necessary to give effect to all agreements, conditions, and purposes expressly set forth in such instrument, or by this Enactment declared to be implied against such party in instruments of a like nature.

Memorial of registration.

23. Every memorial entered in the register shall state the nature of the instrument to which it relates, the day and hour of the production of such instrument for registration, and the names of the parties thereto, and shall refer by number or symbol to such instrument, and shall be signed by the Registrar.

**24.** Whenever a memorial of any instrument has been entered in the register, the Registrar shall, except in the case of transfer or other dealing endorsed upon any grant, certificate, or other instrument as hereinafter provided, record the like memorial on the duplicate grant, certificate, or other instrument evidencing title to the land intended to be dealt with or in any way affected, unless the Registrar shall, as hereinafter provided, dispense with the production of the same, and the Registrar shall endorse on every instrument so registered a certificate of the time at which the said instrument was presented to be registered, and shall authenticate each such certificate by signing his name and affixing his seal thereto, and such certificate shall be conclusive evidence that such instrument has been duly registered.

Such memorial in certain cases to be endorsed on duplicate instruments, as also certificate of time of registration, such certificate to be conclusive as to registration.

**25.** No instrument, until registered in manner hereinbefore described, shall be effectual to pass any land or any interest therein, or render such land liable as security for the payment of money, but upon the registration of any instrument in manner hereinbefore prescribed the land specified in such instrument shall pass, or, as the case may be, shall become liable as security in manner and subject to the agreements, conditions, and contingencies set forth and specified in such instrument, or by this Enactment declared to be implied in instruments of a like nature.

Unregistered instrument invalid.

**26.** A Registrar shall not register any instrument purporting to transfer or otherwise to deal with or affect any land except land situated within the State or registration district for which he has been appointed, and except in the manner herein provided, nor unless such instrument be in accordance with the provisions hereof, but any instrument in substance in conformity with the forms annexed hereto shall be sufficient: provided that the Registrar shall have power to reject any instrument appearing to be unfit for registration.

Registrar to be guided by provisions of this Enactment.

Registrar may reject instrument.

## PART V.

### SPECIAL PROVISIONS REGARDING CERTAIN LEASES OF STATE LAND.

**27.** Every Registrar of Titles appointed under the provisions of this Enactment shall keep a book to be called the "Register of Leases of State Land," and shall bind up therein the duplicates of all leases issued under Section 24 of "The Land Enactment, 1911," for land situated within the State or registration district for which he is appointed and of all certificates of title issued as hereinafter in this Part provided in pursuance of such leases.

Register of leases of State land.

For the purposes of this Part leases issued under the provisions of the repealed Sections 25A and 22A of the Land Enactments, 1903, of Perak, Selangor, Negri Sembilan, and Pahang, shall be deemed to be leases issued under the provisions of Section 24 of "The Land Enactment, 1911."

Application  
of the other  
Parts of this  
Enactment.

28. The provisions of the other Parts of this Enactment shall, with the necessary modifications, apply to every such lease as is in this Part hereinbefore referred to in the same manner and to the same extent as if such lease were a grant within the meaning of this Enactment, subject to the following provisos—

- (a) Where reference is made to “the register” such reference shall be deemed to be the register required to be kept under the last preceding section ;
- (b) The terms “proprietor” and “owner” shall be construed as referring to the person registered as lessee, and the term “lease,” with its grammatical variations and cognate expressions, shall be construed as meaning sub-lease ;
- (c) Nothing in this Enactment contained shall operate to vest in any person by transfer, transmission, or otherwise howsoever any interest in the land leased greater than is conveyed by the terms of the lease or for a period extending beyond that limited by the terms of the lease ;
- (d) Certificates of title issued in pursuance of the leases referred to in the last preceding section shall be substantially in the Form B contained in the second schedule and shall be taken by all Courts as conclusive evidence that there is vested in the person named therein all such interest in the land leased as is conveyed by the terms of the lease, subject to the conditions and agreements expressed or implied therein, and the title of such person shall not be subject to challenge except on the grounds specified in Section 8 ;
- (e) The forms contained in the second schedule shall, when used for the purposes of leases referred to in the last preceding section, be subject to such modifications as circumstances may require, or as the Resident may, with the approval of the Chief Secretary to Government, from time to time prescribe.

## PART VI.

### TRANSFERS.

Form of  
transfer.

29. When land is intended to be transferred the registered proprietor, or if such proprietor is a minor or of unsound mind the guardian, next friend, or other person appointed by the Court to act on behalf of the minor or person of unsound mind in the matter, may execute a transfer in the Form C contained in the second schedule, which transfer shall, for description of the land intended to be dealt with, refer to the grant or certificate of title of such land, or shall give such description as may be sufficient to identify the same, and shall contain an accurate statement of the land intended to be transferred and a memorandum of all leases and charges to which the same may be subject, and of all rights of way and easements intended to be conveyed, and such transfer, if it be endorsed on the instrument evidencing the title of any transferor, need not be in duplicate.



**30.** If the transfer purports to transfer the whole or part of the land contained in any grant or certificate of title, the transferor shall deliver up the duplicate grant or certificate of title of the said land, and the Registrar shall, when registering the transfer, enter in the register, and on the duplicate grant or certificate of title, a memorandum cancelling the same, either wholly or partially, according as the transfer purports to transfer the whole or part only of the land contained in such grant or certificate of title: provided always that, in case the whole of the land is transferred, the Registrar may, instead of making such cancellation, enter in the register and on the duplicate grant or certificate of title a memorial of such transfer, and deliver the duplicate to the transferee; *and any memorial so entered, whether before or after the commencement of this Enactment, of a genuine transfer of land by the proprietor thereof, or if such proprietor is a minor or of unsound mind by the guardian, next friend, or other person appointed by the Court to act on behalf of the minor or person of unsound mind in the matter, to a purchaser shall in favour of the transferee named in the said memorial have in all respects the same force and effect which by virtue of Section 8 appertain to the duplicate certificate of title in Section 8 referred to in favour of the person therein named as proprietor of the land.*

Procedure in case of transfer of land.

E. 16 of 1913.

**31.** (i) The Registrar upon cancelling any grant or certificate of title, either wholly or partially, pursuant to any such transfer shall make out to the transferee a certificate of title to the land contained in such transfer, and every such certificate of title shall refer to the original grant of such land and to the instrument of transfer, and the Registrar shall retain every transfer and cancelled or partially cancelled grant or certificate of title, and, whenever required thereto by the proprietor of an unsold portion or balance of land included in any such partially cancelled grant or certificate of title or by a registered transferee of such portion or of any part thereof, shall make out to such proprietor or transferee a certificate of title for such portion or any part thereof of which he is the proprietor or transferee.

Upon transfer new certificate of title to be issued if the grant or certificate delivered up is cancelled.

(ii) Where part only of the land contained in a grant or certificate of title is transferred, the Registrar shall apportion the quit-rent or other annual payments payable to the State in respect of such land, and shall enter on the certificate of title issued by him to the transferee and transferor, respectively, the amounts thenceforward payable in respect of the part transferred and the balance, respectively: provided that the sum so payable annually in respect of any sub-division shall in no case be less than fifty cents.

(iii) If either party is dissatisfied with the apportionment made by the Registrar he may request the Registrar in writing to refer the question of apportionment to the Court, and the Registrar shall thereupon refer the same accordingly.

**32.** In every instrument transferring any land under the provisions of this Enactment subject to a charge there shall be implied the following agreement by the transferee—that is to say, that such transferee will pay the interest or periodical sum secured

Agreement implied against transferee of charged land.

by such charge after the rate and at the times specified in the instrument creating the same, and will indemnify and keep harmless the transferor from and against the principal sum secured by such instrument, and from and against all liability in respect of any of the agreements therein contained or by this Enactment implied on the part of the transferor.

Form of transfer of charges.

**33.** Leases and charges may be transferred by a transfer executed in duplicate in the Form D contained in the second schedule. The transfer must be registered in the usual manner, and transferees shall have priority according to the date and time of registration.

Liabilities of transferee of charged land.

**34.** Upon the registration of any transfer of any charge or lease the interest of the transferor as set forth in such instrument, with all rights, powers, and privileges thereto belonging or appertaining, shall pass to the transferee, and such transferee shall thereupon become subject to and liable for all and every the same requirements and liabilities to which the transferor would have been subject and liable if such transfer had not been made.

Rights of transferor to be vested in transferee.

**35.** By virtue of every such transfer the right to sue upon any charge or other instrument, and to recover any money or damages thereunder, and all interest in any such money or damages shall be transferred so as to vest the same in the transferee thereof : provided always that nothing herein contained shall prevent the Court from giving effect to any trusts affecting the said money or damages in case the transferee shall hold the same as trustee for any other person.

## PART VII.

### LEASES.

Form of lease.

**36.** When any land is intended to be leased for any term exceeding three years, the proprietor, or if such proprietor is a minor or of unsound mind the guardian, next friend, or other person appointed by the Court to act on behalf of the minor or person of unsound mind in the matter, shall execute a lease in the Form E contained in the second schedule, and every such instrument shall, for description of the land intended to be dealt with, refer to the grant or certificate of title of the land, or shall give such other description as may be necessary to identify such land : provided always that no lease of charged land shall be valid and binding against the chargee unless such chargee shall have consented in writing to such lease prior to the same being registered, and that no lease for the period above specified shall be valid unless registered.

Proviso as to consent of chargee to lease.

Lease not valid unless registered.

Lease for three years valid without registration.

**37.** Any lease or agreement for a lease granted for a term not exceeding three years shall be valid without registration : provided that no right to purchase the land contained in any such lease or agreement shall be valid as against any subsequent purchaser of the land unless such lease or agreement be registered.

As to abandonment of lease by lessee with consent of lessor.

**38.** Where a lessee or his assignee shall have delivered to the lessor or his agent the duplicate of the lease, accompanied by some writing signed by the lessee or his assignee evidencing his intention to give up possession of the land contained in such lease, the

Registrar may, upon application to him by the lessor and production of such evidence as he may require that the lessee or his assignee has abandoned the occupation of the land contained in the said lease, make an entry in the register of the surrender of such lease.

**39.** In any memorandum of lease, unless a contrary intention shall therein appear, there shall be implied the following agreements by the lessee—that is to say :

Implied agreements in all leases as against lessee.

- (a) That he will pay the rent thereby reserved at the times therein mentioned, and all rates and taxes which may be payable in respect of the property during the continuance of the lease ;
- (b) That he will at all times during the continuance of the lease keep and at the termination thereof yield up the property in good and tenantable repair, accidents and damage from fire, storm and tempest and reasonable wear and tear excepted.

**40.** (i) In any memorandum of lease there shall also be implied the following powers in the lessor—that is to say :

Powers implied in lessors.

- (a) That he may distrain according to law ;
- (b) That he may, by himself or his agents, twice in every year during the term, at a reasonable time of the day, upon giving the lessee two days' previous notice, enter upon the property and view the state of repair thereof, and may serve upon the lessee or leave at his last or usual place of abode, or upon the property, a notice in writing of any defect, requiring him within a reasonable time, to be therein mentioned, to repair the same ;
- (c) That in case the rent or any part thereof shall be in arrear for the space of three months, or in case default shall be made in the fulfilment of any agreement, whether expressed or implied in such lease, on the part of the lessee, and shall be continued for the space of six months, or in case the repairs required by such notice as aforesaid shall not have been completed within the time therein specified, it shall be lawful for such lessor to enter upon and take possession of such property.

(ii) There shall also be implied in any memorandum of lease unless a contrary intention shall therein appear, the following agreement by the lessor—viz., that he will pay all quit-rent which shall become payable to the State during the continuance of the lease, in respect of the property contained in the lease, and keep the lessee indemnified against all claims and demands in respect of such quit-rent or in respect of any charges on such property.

**41.** In any such case the Registrar, upon proof to his satisfaction of lawful re-entry and recovery of possession by a lessor, shall note the same by entry in the register, and the lease shall thereupon determine, but without releasing the lessee from his liability in respect of the breach of any agreements in such lease expressed or implied, and the Registrar shall cancel such lease if delivered up to him for that purpose.

Entry in register of determination of lease.

Entry in  
register of  
surrender  
of lease.

42. Whenever any lease which is required to be registered by the provisions of this Enactment is intended to be surrendered, and the surrender thereof is effected otherwise than through the operation of a surrender in law, there shall be endorsed upon such lease or upon the counterpart thereof the word "Surrendered," with the date of such surrender, and such endorsement shall be signed by the lessee and the lessor as evidence of the acceptance thereof, and shall be attested by a witness, and the Registrar thereupon shall enter in the register a memorial recording the date of such surrender and shall likewise endorse upon the lease a memorandum recording the fact of such entry having been so made in the register, and upon such entry having been so made the interest of the lessee in such land shall vest in the lessor or in the person in whom having regard to intervening circumstances, if any, the said land would have been then vested if no such lease had ever been executed, and production of such lease or counterpart bearing such endorsed memorandum shall be sufficient evidence that such lease has been so surrendered: provided that no lease subject to a charge shall be surrendered without the consent of the chargee.

## PART VIII.

### CHARGES.

Form of charge.

43. Whenever any land is intended to be charged or made security in favour of any person, the proprietor, or if such proprietor is a minor or of unsound mind the guardian, next friend, or other person appointed by the Court to act on behalf of the minor or person of unsound mind in the matter, shall execute a charge in the Form F (i) or F (ii) contained in the second schedule, which must be registered as hereinbefore provided.

Power of  
chargee in case  
of default.

44. The chargee, upon default in payment of the principal sum or any part thereof or of any interest or periodical payment secured by any charge, may enter into possession of the charged land by receiving the rents and profits thereof, or may distrain upon the occupier or tenant of the said land for the rent then due.

Further powers  
of chargee as to  
receipt of rents.

45. Whenever a chargee shall give notice of his demanding to enter into receipt of the rents and profits of the charged land to the tenant or occupier or other person liable to pay on account of the rents and profits thereof, all the powers and remedies of the owner of the land in regard to receipt and recovery of and giving discharges for such rents and profits shall be suspended and transferred to the said chargee until such notice be withdrawn, or the charge shall be satisfied and a discharge thereof duly registered, and in every such case the receipt, in writing, of the chargee shall be sufficient discharge for any rents and profits therein expressed to be received, and no person paying the same shall be bound to enquire concerning any default or other circumstance affecting the right of the person giving such notice, beyond the fact of his being duly registered as chargee of the land: provided that nothing herein contained shall interfere with the effect of any order of the Court in regard to the payment of rent under the special circumstances of any case, nor shall prejudice any remedy of the owner of the land against the chargee for wrongful entry or for an account.

46. In case default be made in payment of the principal sum, interest, or periodical payment, or any part thereof thereby secured, or in the observance of any agreement expressed in any charge registered under this Enactment or that is hereinafter declared to be implied in such instrument, and such default be continued for the space of one month, or for such other period of time as may therein for that purpose be expressly limited, the chargee may give to the person by whom the charge was created notice in writing to pay, within a time to be specified, the money then due or owing on such charge, or to observe the agreements therein expressed or implied, as the case may be, and that all remedies competent will be resorted to unless such default be remedied, or may leave such notice on the charged land or at the usual or last known place of abode of such person or other person claiming to be then entitled to the said land, or in the event of such person being absent from the State in which the land is situated, with his attorney or agent.

Proceedings  
in case of  
default.

47. After such default in payment or observance continuing for the further space of one month from the service of such notice or for such other period as may in such instrument be for that purpose limited, it shall be lawful for the chargee, by summons, to call the proprietor of the charged land before the Court to shew cause why the land subject to the charge should not be sold by public auction under direction of the Court. If no cause be shewn to the satisfaction of the Court, it shall order the public sale of land to take place at such place and time as shall appear most suitable, but not less than four weeks from the date of the order, and it shall be the duty of the Court to see that such sale is publicly notified during these four weeks in such manner as may be usually adopted for such notifications for the time being, or as shall be regulated by the rules of Court hereinafter referred to.

Chargee may  
call on pro-  
prietor to shew  
cause why land  
should not be  
so'd.

48. The chargee shall prepare the conditions of sale which, together with all documents of title in his possession, shall be deposited with the Court at least one week before the date fixed for the sale, to be open to the inspection of anyone desirous to examine the same. The upset price shall not be less than the sum of the principal and interest due under the charge, with an estimated amount to cover the expense of sale and all costs legally claimable by the chargee. Where the charge is to secure a periodical payment the Court shall calculate the value of the future payments in order to fix the upset price.

Chargee to  
prepare condi-  
tions of sale

49. At the sale the Court may, if it shall think necessary, take the assistance of a licensed auctioneer, but in any case the sale shall be under the direction of an officer of the Court who shall receive the bids and settle summarily any question which may arise in the course of the proceedings, and shall declare to what bidder the land has been knocked down, and his decision shall not be subject to question or appeal on matters of form or order, but when any question arises involving the competency of the whole proceeding, or the right of any particular bidder to be preferred, the parties feeling themselves aggrieved may appeal to the Court in a manner to be regulated by the rules of Court hereinafter referred to.

Licensed  
auctioneer may  
be employed.

Chargee may bid.

**50.** The chargee may bid and the officer of the Court shall knock down the land to the highest bidder, and upon payment of the price he shall certify in the Form G contained in the second schedule that the land has been sold by auction under authority of "The Registration of Titles Enactment, 1911," and such officer shall deliver the said certificate, together with the grant or certificate of title of the said land, to the said purchaser, and the said purchaser, if the certificate has been duly stamped, may forthwith present the same, together with such grant or certificate of title, to the Registrar, who shall receive the said certificate in all respects as a valid transfer of the land therein mentioned and shall register the same and issue a certificate of title to the purchaser named therein as proprietor of the land accordingly.

Procedure where no bid at upset price.

**51.** Where no bid has been made at the upset price it shall be lawful for the officer of the Court to adjourn the sale and to order that the land be again put up for auction at the same upset price, or he may direct that the upset price be reduced and the land put up for sale at the reduced upset price. But in every case it shall be his duty to have the time of the sale publicly notified by advertisements and in such other manner as may then be customary in the State in regard to sales of land, or as shall be regulated by any rules of Court in that behalf; provided that any person having an interest in the land shall, if dissatisfied with any decision of such officer as to the amount of the upset price, be entitled to appeal therefrom to the Court by way of summons.

Scheme of ranking to be prepared for payment of subsequent charges.

**52.** The Court shall prepare a scheme of ranking of the price obtained for the said land providing first for the costs, then for the payment of the first charge affecting the said land, then for subsequent charges in the order of their priority, and assigning the balance to the owner of the land charged. It shall be the duty of the chargees and all others parties claiming to rank upon the said sum to deposit with the Court a note of their claim and the documents in support thereof.

Sale to be final.

**53.** When land has been so sold by the Court, and any appeals under Section 49 finally disposed of, the sale shall be to all intents and purposes final, and it shall not be lawful for any person whatever to challenge or impugn the same on any ground whatever, and the bidder preferred and in whose favour the certificate before-mentioned has been issued and registered shall be the absolute owner of the land so sold, as fully and completely as if he had been the original grantee in a grant of the said lands.

Discharge of charge.

**54.** Upon the production of any charge having thereon an endorsement signed by the chargee and attested in the manner prescribed by Section 71 for the attestation of instruments discharging the land from the whole or part of the moneys secured or discharging any part of the land contained in such instrument from the whole of such moneys, the Registrar shall make an entry in the register noting that such charge is discharged wholly or partially, or that part of the land is discharged as aforesaid, as the case may require, and upon such entry being so made the land mentioned or referred to in such endorsement as aforesaid shall cease to be subject to or

liable for such moneys or, as the case may be, for the part thereof noted in such entry as discharged.

55. Upon proof of the occurrence of the event upon which, in accordance with the provisions of any charge, the moneys thereby secured shall cease to be payable, and upon proof that all arrears have been paid, satisfied, or discharged, the Registrar shall make an entry in the register noting that such charge is satisfied and discharged, and shall cancel such instrument, and upon such entry being made the land shall cease to be subject to such charge, and the Registrar shall, in any or either such case as aforesaid, endorse on the grant or certificate of title or other instrument evidencing the title of the land charged, a memorandum of the date on which such entry as aforesaid was made by him in the register, whenever such grant, certificate of title, or other instrument shall be presented to him for that purpose.

Discharge of charge in case of death.

56. If any person shall be entitled to pay off the charge and the registered chargee shall be absent from the State, and there be no person authorized to give a receipt for the money, it shall be lawful for the Treasurer to receive such money with all arrears then due in trust for the person entitled thereto, and the Registrar shall, upon presentation of the receipt of the said Treasurer for the said money, make an entry in the register discharging such charge, stating the day and hour on which such entry is made, and such entry shall be a valid discharge for such charge and shall have the same force and effect as is hereinbefore given to a like entry when made upon production of the instrument of charge with the receipt of the chargee, and the Registrar shall endorse on the grant, certificate of title, or other instrument as aforesaid, and also on the instrument of charge, whenever those instruments shall be brought to him for that purpose, the several particulars hereinbefore directed to be endorsed upon each of such instruments, respectively.

How charge may be discharged in case of absence of the chargee from the State.

57. In every charge there shall be implied an agreement by the owner of the charged land that he will repair and keep in repair all buildings or other improvements erected and made upon the land, and that the chargee may at all convenient times, until such charge be satisfied, be at liberty, with or without surveyors or others, to enter into and upon such land to view and inspect the state of repair of such buildings or improvements.

Implied agreement by proprietor of land charged.

## PART IX.

### POWERS OF ATTORNEY.

58. The proprietor of any land if not a minor, a lunatic, or a person of unsound mind, may appoint any person to act for him in respect of the transfer or other dealing with such land in accordance with this Enactment by executing a power in the Form H contained in the second schedule, and a duplicate or an attested copy thereof shall be deposited with the Registrar, who shall enter in the register a memorandum of the particulars therein contained and of the date and hour of its deposit with him.

Form of power of attorney.

Form of revocation.

**59.** Any such power of attorney may be revoked by an instrument of revocation in the Form I contained in the second schedule, and after the registration of any revocation of the power the Registrar shall not give effect to any transfer or other instrument signed pursuant to such power unless signed under any then outstanding registration abstract.

## PART X.

### REGISTRATION ABSTRACT.

Form of registration abstract.

**60.** A Registrar, upon the application of any proprietor of land situated within the State or registration district for which such Registrar has been appointed, shall grant to such proprietor a registration abstract in the Form J contained in the second schedule, enabling him to transfer or otherwise deal with his land at any place without the limits of the State, and shall at the same time enter in the register a memorandum recording the issue of such registration abstract and shall endorse on the grant, certificate of title, or other instrument evidencing the title of such a proprietor, a like memorandum, and from and after the issuing of any such registration abstract no transfer or other dealing in any way affecting the land in respect of which such registration abstract is issued shall be entered in the register until such abstract shall have been surrendered to the Registrar to be cancelled, or the loss or destruction of such abstract proved to his satisfaction.

Transfer under registration abstract.

**61.** Whenever any transfer or other dealing is intended to be transacted under any such registration abstract, a transfer or other instrument, as the case may require, shall be prepared in duplicate in the form hereinbefore prescribed, and shall be produced to some one of the persons hereinafter appointed as persons before whom the execution of instruments may be proved, and upon a memorial of such instrument being entered upon the registration abstract, and authenticated by the signature of such authorized person as aforesaid in manner hereinbefore directed for the entry of memorials in the register, such instrument shall be held to be registered, and such transfer or other dealing shall be as valid and binding to all intents as if the same had been entered in the register by the Registrar, and whenever a memorial of any instrument which has not been endorsed upon the instrument evidencing title to the land intended to be dealt with has been entered upon the registration abstract, such authorized person as aforesaid shall record the like memorial on the duplicate grant, certificate of title, lease, or other instrument evidencing title as aforesaid, and the certificate of registration endorsed on the instrument of which the memorial has been so entered and signed by such authorized person and sealed with his seal shall be conclusive evidence that such instrument has been duly registered.

Dealings under registration abstract to be recorded.

**62.** Upon the delivery of such registration abstract to the Registrar he shall record in the register, in such manner as to preserve their priority, the particulars of every transfer or other dealing recorded thereon, and shall file in the office the duplicates



of every memorandum of transfer or other instrument executed thereunder which may for that purpose be delivered to him, and shall cancel such abstract and note the fact of such cancellation in the register, and if such land or any part thereof be transferred the grant or certificate of title shall be delivered up to the Registrar, who shall thereupon proceed as is hereinbefore directed for the case of a transfer of land.

**63.** Upon proof, at any time, to the satisfaction of the Registrar that any registration abstract is lost or so obliterated as to be useless, and that the powers thereby given have never been exercised, then, upon proof of the several matters and things that have been done thereunder, it shall be lawful for the Registrar, as circumstance may require, either to issue a new registration abstract, as the case may be, or to direct such entries to be made in the register, or such other matter or thing to be done as might have been made or done if no such loss or obliteration had taken place.

Power of Registrar in case of loss or obliteration of abstract.

## PART XI.

### TRANSMISSIONS.

**64.** Whenever the proprietor of any land shall die, the representative of the deceased proprietor shall, before any dealing with such land, and subject to the provisions of Section 81 of the Probate and Administration Enactments, 1904, make an application in writing to the Registrar of the State or registration district within which the land is situated to be registered as proprietor, and shall produce to the Registrar the probate, letters of administration, or certificate of representation, and thereupon the Registrar shall enter in the register a memorial of the date of the probate, letters of administration, or certificate of representation, the date and hour of the production of the same to him, the date of the death of such proprietor, when the same can be ascertained, and shall add the words "as representative" after the name of the person to whom such probate, letters of administration, or certificate of representation was granted, and upon such entry being made, the representative shall, subject to the provisions of the Probate and Administration Enactments, 1904, be deemed to be the proprietor of such land or such part thereof as shall for the time being remain undisposed of, and the Registrar shall note the fact of such registration by memorandum under his hand on the probate, letters of administration, or certificate of representation: provided always that the title of the representative to such land shall relate back and take effect as from the date of the death of the deceased proprietor.

Proceedings in case of death of proprietor of land.

**65.** Subject to this Enactment, and to the Probate and Administration Enactments, 1904, the land of any deceased proprietor disposed of by his will shall be held by the representative according to the dispositions of such will, but these shall not be registered, nor subject as aforesaid, shall any person dealing with the said land have any concern with the same.

Land to be held according to terms of will.

Registration of representatives of deceased as proprietor of charge or lease.

66. Whenever any charge or lease affecting land shall be transmitted in consequence of the death of the proprietor thereof, the probate, letters of administration, or certificate of representation, accompanied by an application in writing from the representative claiming to be registered as proprietor in respect of such charge or lease, shall be produced to the Registrar, who shall thereupon enter in the register, and on the instrument evidencing title to the charge or lease transmitted, the date of the certificate of representation as aforesaid, the date and hour of the production of the same to him, the date of the death of such proprietor, when the same can be ascertained, with such other particulars as he may deem necessary, and upon such entry being made the representative shall be deemed to be the proprietor of such charge or lease, and the Registrar shall note the fact of such registration by memorandum under his hand on the certificate of representation.

Representative to hold property subject to trusts affecting it.

67. Any person registered as the representative of a deceased person shall hold the land in respect of which he is registered for the purposes to which the same is applicable according to equity and good conscience, and subject to any trusts upon which the deceased proprietor held the same, but for the purpose of any registered dealings with such land he shall, subject to the provisions of the Probate and Administration Enactments, 1904, and of this Enactment, be deemed to be the absolute proprietor thereof.

How execution shall bind land.

68. No execution or the notice of sale for the recovery of any quit-rent due to the State shall affect any land until the Registrar of the State or of the registration district within which such land is situated shall be served with a copy of warrant of execution or notice of sale, as the case may be, accompanied by a statement signed by any party interested, or by his agent, or by the Collector, specifying the land sought to be affected thereby, and shall, after marking upon such copy the time of such service, enter a notice thereof in the register. Such entry shall operate as a caveat against any alienation other than in pursuance of the said warrant or notice of sale while the same remains in force, and after any land so specified shall have been sold under any such warrant or notice of sale the Registrar shall, on receiving a transfer thereof in one of the Forms K (i), K (ii), K (iii), K (iv), and K (v) contained in the second schedule, make an entry thereof in the register, and on such entry being made the purchaser shall be deemed the proprietor of such land : provided that until such entry of notice shall have been made as aforesaid no sale or transfer under any such warrant or notice of sale shall be valid as against a purchaser for valuable consideration, notwithstanding the purchaser had actual notice of such warrant or notice of sale. Upon production to the Registrar of sufficient evidence of the satisfaction of any warrant, a copy whereof shall have been served as aforesaid, or of the payment of the arrear in respect of which the notice of sale, or copy thereof, shall have been served as aforesaid, and of the interest and expenses, he shall cause an entry to be made in the register to that effect, and on such entry such warrant or notice of sale shall be deemed to be satisfied. Every such warrant or notice of sale shall cease to affect any land specified as aforesaid unless a transfer upon a sale under such warrant or notice of sale shall be

registered within six months from the day on which the copy is served.

69. Whenever the Court shall have made any order preferring as proprietor of lands any person other than the registered proprietor thereof, the Registrar, on being served with an office copy of such order, shall enter in the register and on the grant or other instrument evidencing title to the said land, the date of the said order, the date and hour of its production to him, and the name and description of the person in whom the said order shall purport to vest the said land, and such person shall thereupon be deemed to be the proprietor of such land, and unless and until such entry shall be made the said order shall have no effectual operation.

Proprietor  
interested in  
land may lodge  
a caveat.

## PART XII.

### CAVEATS.

70. (i) Any person claiming to be interested under any will, settlement, or trust deed, or any instrument of transfer or transmission, or under any unregistered instrument or otherwise howsoever in any land, or if such proprietor is a minor or of unsound mind the guardian, next friend, or other person appointed by the Court to act on behalf of the minor or person of unsound mind in the matter, may lodge a caveat with the Registrar of the State or of the registration district within which such land is situated to the effect that no disposition of such land be made either absolutely or in such manner and to such extent only as in such caveat may be expressed, or until notice shall have been served on the caveator or unless the instrument of disposition be expressed to be subject to the claim of the caveator as may be required in such caveat, or to any conditions conformable to law expressed therein.

Any person  
interested in  
land may lodge  
a caveat.

(ii) A caveat may be in the Form L contained in the second schedule, and shall be verified by the oath of the caveator or his agent, and shall contain an address within the State at which notices may be served.

Form of caveat.

(iii) Upon the receipt of a caveat the Registrar shall make a memorandum thereon of the date and hour of the receipt thereof and shall enter a memorandum thereof in the register, and shall forthwith send a notice of such caveat, through the post office or otherwise, to the person against whose title such caveat shall have been lodged, hereinafter called the caveatee.

Notice to be  
sent to caveatee.

(iv) So long as any caveat shall remain in force prohibiting the transfer or other dealing with land, the Registrar shall not enter in the register any memorandum of transfer or other instrument purporting to transfer or otherwise deal with or affect the land in respect to which such caveat may be lodged.

Effect of  
caveat.

(v) The proprietor or other person claiming land may, by summons, call upon the caveator to attend before the Court to shew cause why the said caveat should not be withdrawn, and it shall be lawful for the Court, upon proof that such last-mentioned person has been summoned, and upon such evidence as the Court may require,

Opposing  
caveat.

to make such order in the premises, either *ex parte* or otherwise, as to the Court shall seem fit. And where a question of right or title shall require to be determined, the proceedings shall be followed as nearly as may be in conformity with the rules of Court in relation to civil causes.

Removal of  
caveat.

(vi) Except in the case of a caveat lodged by the Registrar, the caveatee may make application in writing to the Registrar to remove such caveat, and thereupon the Registrar shall give twenty-one days' notice in writing to the caveator requiring that the caveat be withdrawn, and after the lapse of twenty-one days from the date of the service of such notice at the address mentioned in the caveat, the Registrar shall remove such caveat from the register by entering a memorandum that the same is discharged, unless he shall have been previously served with an order of the Court extending the time as herein provided.

Caveatee to  
give address.

(vii) Such caveatee shall in such application give an address in the State at which notices and proceedings may be served.

Extension of  
time to  
caveator.

(viii) The caveator may, either before or after receiving such notice from the Registrar, apply by summons to the Court for an order to extend the time beyond the twenty-one days mentioned in such notice, and such summons may be served at the address given in the application of the caveatee, and it shall be lawful for the Court, upon proof that the caveatee has been summoned and upon such evidence as the Court may require, to make such order in the premises, either *ex parte* or otherwise, as the Court shall think fit.

Withdrawal of  
caveat.

(ix) The caveator may, by notice in writing to the Registrar, withdraw his caveat at any time, but such withdrawal shall not prejudice the power of the Court to make an order as to payment by the caveator of the costs of the caveatee incurred prior to the receipt by the caveatee of notice in writing of the withdrawal of such caveat.

Registration of  
withdrawal.

(x) An entry shall be made by the Registrar in the register of the withdrawal, lapse, or removal of any caveat or of any order made by the Court.

No second  
caveat to be  
lodged relating  
to the same  
matter.

(xi) It shall not be lawful for the same person or for any one on his behalf to lodge a further caveat in relation to the same matter, but nothing herein contained shall prejudice the right of the Registrar to enter or continue any caveat under the powers vested in him by sub-section (i) (f) of Section 79.

Person wrong-  
fully lodging  
caveat to make  
compensation.

(xii) Any person, other than the Registrar, lodging or continuing any caveat wrongfully and without reasonable cause shall be liable to make compensation to any person who may have sustained damage thereby.

## PART XIII.

### ATTESTATION OF INSTRUMENTS.

Attestation of  
instruments.

71. (i) Every signature to an instrument requiring to be registered and to a power of attorney whereof a duplicate or an attested copy is required to be deposited with the Registrar shall be attested by one of the following persons :

## (a) Within the Federated Malay States :

A Magistrate ;

A Registrar of Titles ;

A Collector of Land Revenue ; or

An Advocate and Solicitor of the Supreme Court.

## (b) In the Colony :

A Justice of the Peace ; or

An Advocate and Solicitor of the Supreme Court of the Colony.

## (c) In the United Kingdom of Great Britain and Ireland or in any British Possession other than the Colony :

A Notary Public ;

A Commissioner of the Supreme Court of Judicature empowered to take affidavits in such Court ; or

The Mayor or Recorder or other Chief Officer of any City or Municipal Corporation.

## (d) In any other place :

The British Consular Officer ; or

Any person specially appointed by the Chief Secretary to Government in that behalf.

(ii) In all cases where an official holding a seal of office shall attest any instrument he shall authenticate his signature by his official seal. Seal.

## PART XIV.

## SPECIAL JURISDICTION OF COURT.

**72.** If any person shall be dissatisfied with any act, omission, refusal, decision, direction, or order of a Registrar, such person may require such Registrar to set forth in writing under his hand the grounds of such act, omission, refusal, direction, decision, or order, and thereupon such person may apply to the Court by petition setting forth the particulars and the grounds of his dissatisfaction, and thereupon the Registrar shall be served with such petition, and the Court shall have jurisdiction to hear the said petition, and the Court shall make such order in the premises as the circumstances of the case may require, and as to the costs of the parties who shall appear upon such petition as the Court shall direct.

Appeal to Court  
from order of  
Registrar.

**73.** Whenever any question shall arise with regard to the performance of any duties or the exercise of any of the functions by this Enactment conferred or imposed upon a Registrar, or in the exercise of any of the duties of a Registrar, and question shall arise as to the true construction or validity or effect of any instrument or as to the person entitled, or to the extent or nature of the right or interest, power or authority of any person or class of persons, or the mode in which any entry ought to be made on the register or certificate of title, or any doubtful or uncertain right or interest stated or dealt

Reference to  
Court on legal  
points.

with by such Registrar, it shall be competent for him to refer the same to the Court as in the Form M contained in the second schedule, and the Court may, if it sees fit, allow any of the parties interested to appear before it and summon any other of such parties to appear and shew cause, either personally or by agent, in relation thereto. And if upon such reference the Court, having regard to the parties appearing before it, shall think proper to decide the question it shall have power so to do or to direct any proceedings to be instituted for that purpose, or at the discretion of the Court, and, without deciding such question, to direct such particular form of entry to be made on the register or certificate of title as under the circumstances shall appear to be just.

Cancellation  
and correction  
of instruments.

74. In case it shall appear to the satisfaction of the Registrar that any grant, certificate of title, or other instrument has been issued in error, or contains any misdescription of land or of boundaries, or that any entry or endorsement has been made in error on any grant, certificate of title, or other instrument, or that any such grant, certificate, instrument, entry, or endorsement has been fraudulently or wrongfully obtained, or that any such grant, certificate, or instrument is fraudulently or wrongfully retained, he may summon the person to whom such grant, certificate, or instrument has been so issued, or by whom it has been so obtained or is retained, to deliver up the same for the purpose of being cancelled or corrected, as the case may require, and in case such person shall refuse or neglect to comply with such summons, or cannot be found, the Registrar may apply to the Court to issue a summons for such person to appear before the Court and shew cause why such grant, certificate, or other instrument should not be delivered up to be cancelled or corrected as aforesaid, and if such person, when served with such summons, shall neglect or refuse to attend before the Court at the time therein appointed, it shall be lawful for the Court to issue a warrant authorizing and directing the person so summoned to be apprehended and brought before the Court for examination.

Powers of Court  
in case of  
refusal to  
deliver up  
instrument for  
cancellation or  
correction.

75. Upon the appearance before the Court of any person summoned or brought by virtue of a warrant as aforesaid, it shall be lawful for the Court to examine such person upon oath or affirmation, and, in case the same shall seem proper, to order such person to deliver up such grant, certificate of title, or other instrument as aforesaid, and upon refusal or neglect by such person to deliver up the same pursuant to such order, to commit such person to prison for any period not exceeding six months, unless such grant, certificate of title, or instrument shall be sooner delivered up, and in such case, or in case such person shall have absconded so that a summons cannot be served upon him as hereinbefore directed, the Court may direct the Registrar to cancel or correct any certificate of title or other instrument, or any entry or memorial in the register relating to such land, and to substitute and issue such certificate of title or other instrument, or make such entry as the circumstances of the case may require, and the Registrar shall give effect to such order.

Power of Court  
to direct  
Registrar.

76. In any proceeding respecting any land or in respect of any transaction or contract relating thereto, or in respect of any instrument, caveat, memorial, or other entry affecting any such land, it

shall be lawful for the Court, by order, to direct the Registrar to cancel, correct, substitute, or issue any certificate of title, or make any memorial or entry in the register, or otherwise to do such acts or make such entries as may be necessary to give effect to the judgment or order of such Court.

**77.** In the conduct of proceedings under this Enactment there shall be the same rights of appeal, and the same rules of procedure and practice shall apply, as are in force or exist for the time being in respect of proceedings of a similar nature in the Court in which such proceedings may be taken, and the said Court shall have the power to make such additional or altered rules and new or altered forms of proceedings, and from time to time to repeal, alter, or vary the then existing rules, and to make new rules and forms of proceedings for the practice and procedure of the said Court in regard to matters under this Enactment.

Rules of  
procedure and  
right of appeal.

**78.** The Court shall have the power to fix and regulate from time to time the fees payable upon all proceedings before the Court, and until the Court shall otherwise order the fees payable shall be according to the fees payable in respect to proceedings of a similar nature.

Fees.

## PART XV.

### SPECIAL POWERS AND DUTIES OF REGISTRAR.

**79.** (i) Every Registrar may exercise the following powers in addition to other powers conferred under this Enactment—that is to say :

Powers of  
Registrar.

- (a) He may require the proprietor of, or any other person interested in, any land in respect of which any transfer, transmission, or other dealing is about to be registered, or registration abstract granted under this Enactment, to produce any grant, certificate of title, charge, lease, will, or other instrument in his possession or within his control relating to such land, and the person so required shall be legally bound to produce the same ;
- (b) He may summon any such proprietor or other person as aforesaid to appear and give any information or explanations respecting such land or the instruments affecting the title thereto, and the person so summoned shall be legally bound to appear and give such information and explanations as aforesaid, and if upon requisition in writing made by the Registrar such proprietor or other person refuses or wilfully neglects to produce any such instruments, or to allow the same to be inspected, or refuses or wilfully neglects to give any information or explanation which he is hereinbefore required to give, or knowingly misleads or deceives any person hereinbefore authorized to demand any such information or explanation, he shall be liable to the punishment provided, respectively, in such cases by Sections 175, 176, and 177 of the Penal Code ; and the Registrar, if the instrument,

To call for  
documents.

To summon  
witnesses.

information, or explanation so withheld appears to him material, shall not be bound to proceed with the registration of such transfer or other dealing or with the issuing of such registration abstract, as the case may be ;

To enforce  
summons.

- (c) Every such summons issued by the Registrar, as above mentioned, shall be in the Form N contained in the second schedule, and may be enforced by him in like manner and by the like proceeding and with the like penalty as provided in Sections 74 and 75 for the case of any instrument issued in error or wrongfully retained ;

To administer  
oaths.

- (d) He may administer oaths and affirmations or take a declaration in lieu thereof ;

To make  
corrections  
in certificates  
or in the  
register.

- (e) He may, upon such evidence as shall appear to him sufficient in that behalf, correct errors in certificates of title or in the register, or in entries made therein, respectively, and may supply entries omitted to be made : provided always that in the correction of any such error he shall not erase or render illegible the original words, and shall affix the date upon which such correction was made or entry supplied with his initials, and every certificate of title so corrected and every entry so corrected or supplied shall have the like validity and effect as if such error had not been made or such entry omitted, except as regards any entry made in the register prior to the actual time of correcting the error or supplying the omitted entries ;

To enter  
caveat.

- (f) He may enter a caveat on behalf of the Ruler of the State or on behalf of any person who may be under the disability of infancy, lunacy, unsoundness of mind, or absence from the State, to prohibit the transfer or dealing with any land belonging or supposed to belong to the State or to any such persons as hereinbefore mentioned, and also to prohibit the dealing with any land in any case in which it shall appear to him that an error has been made by misdescription of such land, or otherwise, in any certificate of title or other instrument, or for the prevention of any fraud or improper dealing ;

To mark  
instrument  
produced  
to him.

- (g) He may mark or stamp any instrument produced to him with a memorandum indicating such production and the number distinguishing the application in reference where-to the same was produced ;

To dispense  
with the pro-  
duction of  
instrument.

- (h) He may, if he shall see reasonable cause for so doing, dispense with the production of any grant, certificate of title, lease, or other instrument for the purpose of entering the memorial by this Enactment required to be entered upon the dealing with land, and upon the registration of such dealing he shall notify in the memorial in the register that no entry of such memorial has been made on the duplicate grant or other instrument, and such dealing shall thereupon be as valid and effectual as if such memorial had been so entered : provided always that before registering such dealing the Registrar shall



in such case require the party dealing to make an affidavit or declaration that such grant or instrument has not been deposited by way of lien or as security for any loan, and shall give at least fourteen days' notice in the *Gazette* of his intention to register such dealing ;

- (i) He may require the proprietor of any land desiring to transfer or otherwise deal with any land to deposit with the Registrar a map or plan of such land with the several measurements marked thereon certified by a Surveyor to be approved of by him, and if the said land or the portion thereof purposed to be transferred or dealt with shall be of less area than one acre, then such map or plan shall be on a scale not less than one inch to two chains ; and if such land or the portion thereof about to be transferred or dealt with shall be of greater area than one acre, but not exceeding five acres, then such map or plan shall be on a scale not less than one inch to five chains ; and if such land or the portion thereof, as aforesaid, shall be of greater area than five acres, but not exceeding eight acres, then such map or plan shall be on a scale not less than one inch to ten chains ; and if such land or the portion thereof, as aforesaid, shall be of greater area than eight acres, then such map or plan shall be on a scale of one inch to twenty chains ; and if such proprietor shall neglect or refuse to comply with such requirement, it shall not be incumbent on the Registrar to proceed with the registration of such transfer or dealing : provided always that subsequent sub-divisions of the same land may be delineated on the map or plan of the same so deposited, if such be upon a sufficient scale in accordance with the provisions herein contained, and the correctness of the delineation of each such sub-division shall be acknowledged in manner prescribed for the case of the deposit of an original map ;
- (j) It shall be lawful for the Registrar to demand and receive the several fees specified in the third schedule, and to perform the duties and authorize the acts for which fees are specified therein.
- (ii) Every Registrar shall keep a correct account of all such sums of money as shall be received by him in accordance with the provisions of this Enactment, and shall pay the same to the Treasurer at such times and in such manner as may be directed by the Resident.
- (iii) Every Registrar shall be deemed to be a public servant within the meaning of the Penal Code.

To require a map of land to be transferred or dealt with to be deposited with him.

To demand and receive fees.

Registrar to keep accounts of moneys received.

Registrar to be public servant.

## PART XVI.

### MISCELLANEOUS PROVISIONS.

80. A lien may be created by deposit of the grant or certificate of title. The holder shall have the power at any time during the existence of his lien to enter a caveat in manner set forth in Part XII hereof to prevent all dealing with the land, and when

Creation of lien.

he has obtained a judgment of the Court for the actual sum due, he shall be entitled to apply for and obtain an immediate order of sale of the land.

Representatives of minors or of lunatics may act as principals.

81. Where any person who, if not under disability, might have made any application, given any consent, done any act, or been party to any proceeding under this Enactment is a minor, idiot, or lunatic, or of unsound mind, the representative of such person, or if there be no representative then a person specially appointed by the Court to represent such person for the purpose of this Enactment, may make such application, give such consent, do such act, and be party to such proceeding as such person, respectively, if free from disability, might have made, given, done, and been party to, and shall otherwise represent such person for the purpose of this Enactment.

Several certificates may be combined and one issued, or one may be divided and several issued.

82. Upon the application of any proprietor of land held under separate grants or certificates of title or under one grant or certificate of title, and the delivering up of such grant or grants, certificate or certificates of title, it shall be lawful for the Registrar to issue to such proprietor a single certificate of title for the whole of such land, or several certificates each containing a portion of such land in accordance with such application, and as far as the same may be done consistently with any Enactment for the time being in force respecting the parcels of land that may be included in one certificate of title, and upon issuing any such certificate of title the Registrar shall enter on the new certificate of title all the memorials to which the piece of land shall be at the time subject, and shall cancel the grant or previous certificate of title of such land so delivered up, and shall endorse thereupon a memorandum setting forth the occasion of such cancellation and referring to the certificate of title so issued.

Issue of provisional certificate in case of lost grant or certificate.

83. In the event of a grant or certificate of title of land being lost or destroyed, the proprietor of such land, together with other persons, if any, having knowledge of the circumstances, may make a declaration stating the facts of the case, the names and descriptions of the registered owners and the particulars of all charges and other matters affecting such land and the title thereto to the best of the declarant's knowledge and belief, and the Registrar, if satisfied as to the truth of such declaration and the *bonâ fides* of the transaction, may issue to the proprietor of such land a provisional certificate of title of such land, which provisional certificate shall contain an exact copy of the original grant or certificate of title bound up in the register, and of every memorandum and endorsement thereon, and shall also contain a statement why such provisional certificate is issued, and the Registrar shall, at the same time, enter in the register notice of the issuing of such provisional certificate and the date thereof, and why it was issued, and such provisional certificate shall be available for all purposes and uses for which the grant or certificate of title so lost or destroyed would have been available and as valid to all intents as such lost grant or certificate : provided always that the Registrar, before issuing such provisional certificate, shall give at least thirty days' notice in the *Gazette* of his intention so to do.

84. Any proprietor sub-dividing land for the purpose of selling the same in allotments as a township, shall deposit with the Registrar a map in duplicate of such township ; provided that such map shall exhibit distinctly all roads, streets, passages, thoroughfares, squares, or reserves appropriated or set apart for public use, and also all allotments into which the said land may be divided, marked with distinct numbers or symbols, and every such map shall be signed by the proprietor or his agent, and certified as accurate by declaration of a Surveyor to be approved of by the Registrar, made before the Registrar or a Magistrate.

Creation of township.

85. Every agreement and power to be implied in any instrument by virtue of this Enactment may be negated or modified by express declaration in the instrument or endorsed thereon, and every such implied agreement shall have the same force and effect and be enforced in the same manner as if it had been set out at length in such instrument, and where any transfer or other instrument in accordance with the provisions of this Enactment is executed by more parties than one, such agreements as are by this Enactment to be implied in instruments of a like nature shall be construed to bind the parties severally.

Express declaration to negative implied agreements.

86. The proprietor of any land or of any lease or charge shall, on the application of any beneficiary or person interested therein, and on receiving proper indemnity, be bound to allow his name to be used by such beneficiary or person in any proceeding which it may be necessary or proper to bring or institute in the name of such proprietor concerning such land, lease, or charge, or for the protection or benefit of the title vested in such proprietor, or of the interest of any such beneficiary or person.

Proprietor's name may be used in any action upon application of person interested.

87. No person other than an Advocate and Solicitor of the Supreme Court, or a person licensed in that behalf by the Resident, shall be entitled to sue for or receive any fees, costs, or charges, or have any right to set off any such fees, costs, or charges in any action brought against such person for work and labour done or money expended in reference to applications, transfers, instruments, or other proceedings relating to and under the provisions of this Enactment, or to have any lien or right to retain any paper or writing which shall have come into his possession in reference to any such proceedings. And for all work done by him under this Enactment such person shall be entitled to charge the fees specified in the fourth schedule.

Solicitors and licensed agents only can sue for and recover fees for work done under this Enactment.

88. Nothing contained in this Enactment shall take away or affect the jurisdiction of the Court on the ground of actual fraud.

Jurisdiction of Court not taken away.

89. No Registrar nor any person acting under the authority of a Registrar shall be individually liable to any action or proceeding for or in respect of any act or matter *bonâ fide* done or omitted to be done in the exercise or supposed exercise of the powers of this Enactment.

Registrar not personally liable for act done under this Enactment.

90. Whenever in any action or other proceeding affecting the title to land, it shall become necessary to determine the fact whether the transferee, chargee, or lessee is a purchaser or transferee for

Proof of transfer for valuable consideration.

valuable consideration or not, any person who shall be a party to such action or other proceeding may give in evidence any transfer, charge, lease, or other instrument affecting the title to such land, although the same may not be referred to in the certificate of title or may have been cancelled by the Registrar.

## PART XVII.

### PENALTIES.

Giving false  
evidence or  
concealing  
evidence.

**91.** If any person wilfully makes any false statement or declaration in any dealing in land, or suppresses or conceals, or assists or joins in, or is privy to the suppressing, withholding, or concealing from the Registrar any material document, fact, or matter of information, or wilfully makes any false declaration required under the authority or made in pursuance of this Enactment, or if any person, in the course of his examination before the Court or the Registrar, wilfully or corruptly gives false evidence, or if any person fraudulently procures, or is privy to the fraudulent procurement of any certificate of title or instrument, or of any entry in the register, or of any erasure or alteration in any entry in the register, or knowingly misleads or deceives any person hereinbefore authorized to require explanation or information in respect to any land or the title to any land under the operation of this Enactment, or in respect to which any dealing or transmission is proposed to be registered, such person shall incur a penalty not exceeding two thousand dollars, or may, at the discretion of the Court by which he is convicted, be imprisoned with or without hard labour for any period not exceeding three years.

Offences.

**92.** If any person is guilty of the following offences or any of them—that is to say :

Forgery of  
name of officers.

(a) Forges, or procures to be forged, or assists in forging, the seal of the Registrar, or the name, signature, or handwriting of any officer of the Registry Office in cases where such officer is by this Enactment expressly or impliedly authorized to affix his signature ;

Forged stamp.

(b) Stamps, or procures to be stamped, or assists in stamping, any instrument or document with any such forged seal ;

Forgery of  
name of any  
person.

(c) Forges, or procures to be forged, or assists in forging, the name, signature, or handwriting of any person whomsoever to any instrument or document which is by this Enactment or in pursuance of any power contained in this Enactment expressly or impliedly authorized to be signed by such person ;

Using forged  
seal.

(d) Uses with an intention to defraud any person whomsoever any instrument or document upon which any impression or part of the impression of any seal of the Registrar has been forged, knowing the same to have been forged, or any instrument or document the signature to which has been forged, knowing the same to have been forged ;

- (e) Fraudulently uses, or procures to be used, for any purpose the actual seal of the Registrar, in which case such fraudulent use shall be a like offence in all respects as a forgery thereof ;

Fraudulent use  
of actual seal.

such offences shall be punished, at the discretion of the Court, by imprisonment of either description not exceeding three years.

**93.** No proceeding or conviction for any act hereby made punishable shall affect any remedy which any person aggrieved or injured by such act may be entitled to against the person who has committed such act, or against his estate.

Conviction not  
to affect private  
remedy.

## FIRST SCHEDULE.

## ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Selangor ..	IV of 1891	The Registration of Titles Regulation, 1891	The whole
Perak ..	18 of 1897	The Registration of Titles Enactment, 1897	„
Pahang ..	29 of 1897	The Registration of Titles Enactment, 1897	„
N. Sembilan	3 of 1898	The Registration of Titles Enactment, 1898	„
Selangor ..	2 of 1898	The Registration of Titles Amendment Enactment, 1898	„
Perak ..	11 of 1909	The Registration of Titles Enactment, 1897, Amendment Enactment, 1909	„
Selangor ..	14 of 1909	The Registration of Titles Regulation, 1891, Amendment Enactment, 1909	„
N. Sembilan	14 of 1909	The Registration of Titles Enactment, 1898, Amendment Enactment, 1909	„
Pahang ..	14 of 1909	The Registration of Titles Enactment, 1897, Amendment Enactment, 1909	„
Perak ..	4 of 1909	The Registration of Titles (Leases of State Land) Enactment, 1909	„
Selangor ..	5 of 1909	Do.	„
N. Sembilan	4 of 1909	Do.	„
Pahang ..	9 of 1909	Do.	„
Perak ..	4 of 1904	The Probate and Administration Enactment, 1904	Sec. 81, sub-sec. (vii)
Selangor ..	4 of 1904	Do.	„
N. Sembilan	3 of 1904	Do.	„
Pahang ..	3 of 1904	Do.	„

## SECOND SCHEDULE.

## FORMS.

## Form A.

STATE OF.....

*Registration District of.....*

Annual Quit-rent \$.....

## CERTIFICATE OF TITLE.

Register....., Vol....., Folio.....

.....of [here insert description, and if certificate be used pursuant to any transfer, reference to transfer] is now proprietor, subject to such charges as are notified by memorandum written hereon, and subject to the payment of the annual quit-rent of \$....., of that piece of land containing [here insert area] and situated in the [here insert sufficient description to identify the land, referring to map or diagram and to the original grant thereof].

In witness whereof I have hereunto signed my name and affixed my seal.

.....

[L.S.]

*Registrar of Titles.*

[Endorse Memorandum of Charges.]

## Form B.

STATE OF.....

*Registration District of.....*

Annual Quit-rent \$.....

## CERTIFICATE OF TITLE.

Register....., Vol....., Folio.....

.....of [here insert description and, if certificate be used pursuant to any transfer, reference to transfer] is now lessee for the term expiring on.....of that piece of land containing [here insert area] and situated in the [here insert sufficient description to identify the land, referring to map or diagram and to the original lease thereof] subject to such special conditions and such charges as are notified by memorandum written hereon and subject to the payment of the annual rent of \$.....

In witness whereof I have hereunto signed my name and affixed my seal this.....day of.....19..

.....

[L.S.]

*Registrar of Titles.*

[Endorse Memorandum of Special Conditions and of Charges.]

## Form C.

[STAMP.]

## FORM OF TRANSFER.

I, A.B., being registered as the proprietor (subject to such charges as are notified by memorandum written hereon, and to the annual rent of \$. . . . .) of all that piece of land containing [here state area] or thereabouts, and situated in the. . . . . [If the land to be dealt with contains all that is included in an existing grant or certificate, refer thereto for description and diagram; otherwise set forth the boundaries in chains, links, or feet, and refer to plan delineated on the margin or annexed to the instrument, or deposited in the. . . . .] in consideration of the sum of \$. . . . . paid to me by E. F., the receipt of which sum I hereby acknowledge, do hereby transfer to the said E. F. all my right, title, and interest in the said piece of land.

In witness whereof, I have hereunto subscribed my name, this  
 . . . . . day of . . . . ., 19..

. . . . . (Signature.)

Signed in the presence of. . . . .

[Endorse Memorandum of Charges.]

## Form D.

## FORM OF TRANSFER OF CHARGE OR LEASE.

I, C. D., the owner of a (charge or lease) of certain land, containing . . . . . acres, situated at. . . . ., and known as. . . . . and described in the register of (Government grants or certificates of title), book . . . . ., folio. . . . ., which said (charge or lease) is registered in register of. . . . ., book. . . . ., folio. . . . ., and is herewith presented, in consideration of the sum of \$. . . . . this day paid to me by X. Y., of. . . . . (the receipt of which sum I hereby acknowledge), do hereby transfer to the said X. Y. the said (charge or lease, as the case may be).

In witness whereof, I have hereunto subscribed my name, this  
 . . . . . day of . . . . . 19..

C. D. [Transferor.]

Accepted, X. Y. [Transferee.]

The signature C. D. was made in  
 my presence the. . . . . day of  
 . . . . ., 19.., and I verily  
 believe that such signature is  
 of the proper handwriting of  
 the person described as C. D. }

The signature X. Y. was made in  
 my presence the. . . . . day of  
 . . . . ., 19.., and I verily  
 believe that such signature is  
 of the proper handwriting of  
 the person described as X. Y. }

## Form E.

[STAMP.]

## FORM OF LEASE.

I, A. B., being registered as the proprietor (subject to such charges as are notified by memorandum written hereon, and to the annual rent of \$. . . . .) of that piece of land containing [here state area] or thereabouts, and situated in. . . . . [If the land to be dealt with contains all that is included in an existing grant or certificate of title or lease, refer thereto for description and diagram ; otherwise set forth the boundaries in chains, links, or feet, and refer to a plan thereof on margin of or annexed to the lease, or deposited in the . . . . .] do hereby lease to E. F., of [here insert description] the said piece of land to be held by him, the said E. F., as tenant, for the space of. . . . . years [here state the date and term] at the yearly rental of \$. . . . ., payable [here insert terms of payment of rent], subject to the agreements and powers implied under "The Registration of Titles Enactment, 1911," (subject to the following modifications) [here set forth any modification].

I, E. F., of [here insert description], do hereby accept this lease subject to the conditions, restrictions, and stipulations above set forth or referred to.

(Signature of Lessee.)

(Signature of Lessor.)

Dated this. . . . . day of. . . . . 19..

Signed by the said Lessor in the presence of. . . . .

Signed by the said Lessee in the presence of. . . . .

[Endorse Memorandum of Charges.]

(For Form of Transfer of Lease, see Form D.)

## Form F (i).

## FORM OF CHARGE.

I, A. B., being registered as the proprietor (subject to such charges as are notified by memorandum written hereon, and to the annual rent of \$. . . . .) of that piece of land containing [here state area] or thereabouts, and situated in. . . . . [If the land to be dealt with contains all that is included in an existing grant or certificate of title or lease, refer thereto for description of parcels or diagram ; otherwise set forth the boundaries in chains, links, or feet, and refer to plan thereof on margin of or annexed to the charge, or deposited in the. . . . .] in consideration of the sum of \$. . . . . lent to me by E. F., of [here insert description], (the receipt of which sum I do hereby acknowledge), do hereby agree : First, that I will pay to him, the said E. F., the above sum of \$. . . . . on the. . . . . day of. . . . . ; Secondly, that I will pay interest on the said sum at the rate of \$. . . . . by the \$100 in the year, by equal payments of \$. . . . . on the. . . . . day of every month, the first of such payments to be made on the. . . . . day of. . . . . next ; Thirdly [here set forth special stipulations, if any] ; And for the better securing to the said E. F. the repayment in manner aforesaid of the principal sum and



interest, I hereby charge the land above described with such principal sum and interest.

In witness whereof, I have hereunto signed my name this. . . . .  
day of. . . . ., 19..

A. B.

Signed by the above-named A. B. in the presence of. . . . .  
[Endorse Memorandum of Charges.]

Form F (ii).

#### FORM OF CHARGE.

I, A. B., being registered as the proprietor (subject to such charges as are notified by memorandum written hereon, and to the annual rent of \$. . . . .) of that piece of land containing [here state area] or thereabouts, and situated in. . . . . [If the land to be dealt with contains all that is included in an existing grant or certificate of title, refer thereto for description of parcels and diagram ; otherwise set forth the boundaries in chains, links, or feet, and refer to plan thereof on margin of or annexed hereto, or deposited in the . . . . .] and desiring to render the said land available for the purpose of securing to and for the benefit of C. D. the (sum of money, annuity, or rent charge) hereinafter mentioned, do hereby charge the said land for the benefit of the said C. D. with the (sum, annuity, or rent charge) of \$. . . . ., to be raised and paid at the times and in the manner following—that is to say, [Here state the times appointed for the payment of the sum, annuity, or rent charge intended to be secured, the interest, if any, and the events on which such sum, annuity, or rent charge shall become and cease to be payable, also any special agreements or powers, and any modification of the powers or remedies given to a chargee in “The Registration of Titles Enactment, 1911”]: And, subject as aforesaid, the said C. D. shall be entitled to all powers and remedies given to a chargee by “The Registration of Titles Enactment, 1911.”

In witness whereof, I have hereunto signed my name, this. . . . .  
day of. . . . ., 19..

A. B.

Signed by the above-named A. B. in the presence of. . . . .

[Endorse Memorandum of Charges.]

(For Form of Transfer of Charges, *see* Form D.)

Form G.

#### FORM OF CERTIFICATE TO BE GIVEN BY OFFICER OF COURT ON THE SALE OF LAND AT THE INSTANCE OF A CHARGE.

(Section 50.)

Whereas, upon. . . . .the day of. . . . .last it was ordered by a Judicial Commissioner under the authority of “The Registration of Titles Enactment, 1911,” that the following lands—viz., [here describe land] containing. . . . .acres, or thereabouts, and being the (whole or part) of the lands contained in the (grant or certificate

of title) registered in the register of....., book....., folio....., should be sold by public auction, and whereas the said lands were duly sold by public auction before me at..... on the..... day of....., 19.., and whereas at such auction A. B. was the highest bidder, and I caused the said lands to be knocked down to him at the bid of \$..... (the receipt of which sum from the said A. B. I hereby acknowledge): Now I do hereby transfer the said land to the said A. B., subject to the annual rent and charges hereunder written.

Dated this.....day of....., 19..

#### Form H.

#### FORM OF POWER OF ATTORNEY.

I, A. B. [insert addition], do hereby appoint C. D. [insert addition], my attorney, to sell to any person all or any lands, leases, and charges, whether now belonging to me or which shall hereafter belong to me under or by virtue of "The Registration of Titles Enactment, 1911," or of which I am now or shall hereafter be the proprietor under the said Enactment; also to charge all or any such lands or leases for any sum at any rate of interest; also to lease any such lands for any term of years, not exceeding twenty-one years in possession, at any rent; also to surrender or obtain or accept the surrender of any lease in which I am or may be interested; also to exercise and execute all powers which now are or shall hereafter be vested in or conferred on me as a lessee or chargee under the said Enactment [or otherwise according to the nature and extent of the powers intended to be conferred], and for me, and in my name, to sign all such transfers and other instruments, and to do all such acts, matters, and things as may be necessary or expedient for carrying out the powers hereby given and for recovering all sums of money that are now or may become due or owing to me in respect of the premises, and for enforcing or varying any contracts, agreements, or conditions binding upon any lessee, tenant, or occupier of the said lands, or upon any other person in respect of the same, and for recovering and maintaining possession of the said lands, and for protecting the same from waste, damage, or trespass.

Dated this.....day of....., 19..

A. B.

Signed by the said A. B. in the presence of .....

#### Form I.

#### FORM OF REVOCATION.

I, A. B., of....., hereby revoke the Power of Attorney given by me to....., dated the.....day of....., 19..

In witness whereof, I have hereunto subscribed my name, this.....day of....., 19..

A. B.

Signed by the said A. B. in the presence of.....

Form J.

STATE OF.....

*Registration District of.....*

## REGISTRATION ABSTRACT.

[Here insert copy of grant or certificate of title.]

Pursuant to the provisions of "The Registration of Titles Enactment, 1911," this registration abstract is issued for the purpose of enabling....., registered proprietor of the land described in the above-written grant (or certificate of title), to deal with the above-described land at places without the limits of the said State, and shall continue in force from the date hereof until the.....day of....., or until the same be surrendered to me for cancellation.

In witness whereof, I have hereunto signed my name and affixed my seal this .....day of....., 19..

.....

*Registrar of Titles.*

[L.S.]

Form K (i).

## FORM OF TRANSFER OF LAND UNDER WARRANT OF EXECUTION.

I,....., the person appointed to execute the warrant herein-after mentioned in pursuance of a warrant of execution dated the .....day of....., 19... and issued out of the Court in an action wherein.....is the plaintiff and.....the defendant, which said ..... is registered as the proprietor of the land hereinafter described, subject to the charges and to the annual rent notified hereunder, do hereby, in consideration of the sum of S..... paid to me, by E. F. [insert addition], transfer to the said E. F. all that piece of land [here insert a sufficient description of the land, and refer to the debtor's certificate of title or grant].

Dated the.....day of....., 19..

Signed by the said.....in the }  
presence of.....Signed by the said E. F. in the }  
presence of.....

[Charges and Rent referred to.]

Form K (ii).

FORM OF TRANSFER OF LEASE OR CHARGE UNDER  
WARRANT OF EXECUTION.

I,..... the person appointed to execute the warrant herein-after mentioned [or otherwise as the case may be], in pursuance of a warrant of execution dated the .....day of....., 19... and issued out of the Court in an action wherein.....is the plaintiff and..... the defendant, which said.....is registered as the proprietor of a lease (or charge, as the case may be) number.....of (or upon)

the land hereinafter described subject to the charges and rent notified hereunder, do hereby, in consideration of the sum of \$.... paid to me by E. F. [insert addition], transfer to the said E. F. the lease (or charge) granted by.....to and in favour of....., of....., dated the .....day of....., to in or over [here describe the land according to the description in the lease or charge, and refer to the registered instrument].

Dated the.....day of.....19..

Signed by the said.....in the }  
presence of.....

Signed by the said E. F. in the }  
presence of.....

[Charges and Rent referred to.]

Form K (iii).

#### FORM OF TRANSFER OF LAND UNDER ORDER OF COURT.

I, [insert name], in pursuance of an order of the Court dated the.....day of....., 19.., and entered in the register....., vol.....fol....., hereby transfer to E. F. [insert addition], subject to the charges and annual rent notified hereunder, all that piece of land being [here insert a sufficient description of the land, and refer to the certificate of title or grant].

Dated the.....day of....., 19..

Signed by the said.....in the }  
presence of.....

Signed by the said E. F. in the }  
presence of.....

[Charges and Rent referred to.]

Form K (iv).

#### FORM OF TRANSFER OF LEASE OR CHARGE UNDER ORDER OF COURT.

I, [insert name], in pursuance of an order of the Court dated the.....day of....., 19.., and entered in the register....., vol....., fol....., hereby transfer to E. F. [insert addition], subject to the charges and annual rent notified hereunder, the lease (or charge, as the case may be) granted by.....in favour of..... (or upon) all that piece of land [here insert description of the land according to the description in the lease or charge, and refer to the registered instrument].

Dated the.....day of....., 19..

Signed by the said.....in the }  
presence of.....

Signed by the said E. F. in the }  
presence of.....

[Charges and Rent referred to.]

## Form K (v).

FORM OF TRANSFER OF LAND BY COLLECTOR ON SALE FOR  
ARREARS OF LAND REVENUE.

I, [insert name], Collector of Land Revenue of the district of . . . . ., in pursuance of a notice of sale under the provisions of Section 73 of "The Land Enactment, 1911," and entered in the register. . . . ., vol. . . . ., fol. . . . ., hereby transfer to E. F. [insert addition], subject to the charges and annual rent specified hereunder, all that piece of land [insert description of the land, and refer to the certificate of title or grant].

Dated the. . . . .day of. . . . ., 19..

Signed by the said. . . . .in the }  
presence of. . . . . }

Signed by the said E. F. in the }  
presence of. . . . . }

[Charges and Rent referred to.]

## Form L.

CAVEAT FORBIDDING REGISTRATION OF OR DEALING WITH  
LAND.

To the Registrar of Titles of. . . . .

Take notice that I, A. B., of [residence] [description], claiming [here state the nature of the interest and the grounds upon which such claim is founded] in [here describe land and refer to grant or certificate of title] forbid the registration of or any dealing with the before-mentioned land until this caveat be withdrawn by the caveator or by the order of the Court or of a Judicial Commissioner, or unless such dealing be subject to the claim of the caveator, or until after the lapse of twenty-one days from the date of the service of notice by the caveatee, at the following address :

Dated this. . . . .day of. . . . ., 19..

I, the above-named A. B. (or C. D.), of [residence and description] (agent for the above A. B.), make oath (or affirm, as the case may be) and say that the allegations in the above caveat are true in substance and in fact (or, if no personal knowledge, as I have been informed and verily believe).

Sworn, etc.

## Form M.

## IN THE COURT OF. . . . .

[Date.]

In the matter of the Registration of Transfer (or as the case may be) A. B. to C. D.

The Registrar, under Section 73 of "The Registration of Titles Enactment, 1911," hereby humbly refers the following matter to

the Court, to wit: [Here state briefly the difficulty which has arisen].

The parties interested, so far as the Registrar knows or has been informed are, [here give names].

[L.S.]

.....  
*Registrar of Titles.*

Form N.

### SUMMONS.

In the matter of "The Registration of Titles Enactment, 1911."

A. B. [insert addition] is hereby summoned to appear before me at the.....on.....the.....day of....., 19.., at.....of the clock in the (fore or after) noon, then and there to be examined at the instance of C. D. [insert addition] concerning....., and the said A. B. is hereby required to bring with him and produce at the time and place aforesaid [describe documents], and all other writings and documents in his custody or power in anywise relating to the premises.

Given under my hand the.....day of....., 19..

.....  
*Registrar of Titles.*

### THIRD SCHEDULE.

#### FEES PAYABLE FOR THE PERFORMANCE OF THE SEVERAL ACCOUNTS, MATTERS, AND THINGS HEREIN SPECIFIED.

	\$	c.
1. Registration of grant or lease .. .. .	1	00
2. For every certificate of title or provisional certificate ..	2	00
3. Registering transfer or charge .. .. .	1	00
4. Registering transfer or discharge of charge .. .. .	1	00
5. Registering surrender of lease .. .. .	1	00
6. Registering certificate of representation .. .. .	1	00
7. For every power of attorney .. .. .	1	00
8. For every revocation thereof .. .. .	0	50
9. For every registration abstract .. .. .	2	00
10. For cancellation thereof .. .. .	1	00
11. Noting caveat .. .. .	1	00
12. Cancellation or withdrawal of caveat .. .. .	0	50
13. For every service of notice .. .. .	0	50
14. For every search .. .. .	0	25
15. For every general search .. .. .	0	50
16. For every instrument declaratory of trusts and for every will or other instrument deposited .. .. .	0	50
17. For registering recovery by proceeding in law, or re-entry by lessor .. .. .	0	50
18. For entering notice of writ or order of Court .. .. .	0	50
19. Taking declaration in case of lost grant or other instrument or where production of duplicate is dispensed with .. .. .	2	00

	\$	c.
20. Taking affidavit or statutory declaration .. ..	1	00
21. For certified copy, for every folio of one hundred words each .. .. .	0	25
22. When any instrument purports to deal with land in- cluded in more than one grant or certificate for each registration memorial after the first .. .. .	0	25

## FOURTH SCHEDULE.

## FEES TO BE CHARGED UNDER SECTION 87.

Advocates and Solicitors and licensed agents under Section 87 shall have the right to charge the following fees for the services undernoted, and these fees shall be in full for all meetings, letters, consultations, drafts, enquiries, duplicates, and engrossing in relation to the several matters treated of :

1. Transfer of land or charge on land	{	half per cent. upon the amount of the con- sideration stated in the instrument		
2. Lease .. .. .			\$	c.
3. Transfers of charge or lease .. .. .			5	00
4. Obtaining registration abstract .. .. .			5	00
5. For filling up and entering caveat .. .. .			2	50

## ENACTMENT NO. 15 OF 1911.

As amended by Fed. E. 11 of 1914.

### An Enactment to regulate the possession and sale of Poisons.

ARTHUR YOUNG,  
*President of the Federal Council.*

[24th November, 1911.  
1st June, 1912.]

Preamble. It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and commencement. 1. (i) This Enactment may be cited as “ The Poisons Enactment, 1911,” and shall come into force on the 1st day of June, 1912.

Repeal. (ii) On the coming into force of this Enactment the Enactments specified in the schedule shall be repealed : provided that such repeal shall not affect the validity of any license duly issued under any of the Enactments so repealed nor the operation of any rules made under any such Enactment so long as such rules shall not have been expressly rescinded or revoked and in so far as such rules are not inconsistent with the provisions of this Enactment.

Meaning of Poisons. 2. (i) The several substances named or described in the next sub-section and such other substances as may from time to time be declared by the Chief Secretary to Government, by notification in the *Gazette*, after consultation with the Principal Medical Officer, Federated Malay States, and the Residents of the several States, to be fit and proper to be classed as poisons and to be subject as regards possession and sale to the provisions of this Enactment shall be deemed to be poisons for the purposes of this and any other Enactment for the time being in force.

Poisons. (ii) The following substances are poisons :  
(1) All preparations of antimony except antimony sulphide ;  
(2) All preparation of mercury except cinabar ;  
(3) All vegetable alkaloids and preparations thereof except  
(a) Those of the quinine and chinchonine group ;  
(b) Caffein ;  
(c) Theobromine ;  
(4) All preparations of and all natural or manufactured products which contain any of the following—viz. :

Aconitine	Helleborin
Antiarine	Hyoscyamine
Atropine	Physostigmine or Eserine
Brucine	Strophanthin
Conine	Strychnine
Curarine	Veratrine
Digitalein	



- (5) Arsenic and all preparations thereof ;
- (6) Cannabis indica and all preparations thereof ;
- (7) Cantharides and all preparations thereof ;
- (8) Carbolic acid ;
- (9) Chloroform and Chloral ;
- (10) Croton oil ;
- (11) Ergot of rye and all preparations thereof ;
- (12) Hydrocyanic acid and all cyanides ;
- (13) Lead acetate ;
- (14) Oxalic acid and all other oxalates ;
- (15) Phosphorus ;
- (16) Savin ;
- (17) Henbane or Stramonium ;
- (18) All analogues of any of the above-named substances.

3. On and after the commencement of this Enactment no person shall except as hereinafter provided without a license for that purpose issued under this Enactment or under one of the Enactments hereby repealed nor otherwise than in accordance with the terms of such license sell or keep for sale or expose or offer for sale any poison.

Poisons not to be sold except by licensed persons.

4. The Principal Medical Officer, Federated Malay States, and any Medical Officer appointed by him with the approval of the Resident of any State to be a licensing officer under this Enactment in and for such State or in and for any specified district or districts in such State may issue to such persons as he may think fit licenses to sell and to keep, offer and expose for sale within the State or district specified in the license poisons or any particular poison or poisons and may at any time, if it shall appear to him expedient, revoke and cancel any such license issued by him or by his predecessor in office, but every such revocation or cancellation shall be subject to appeal to the Resident of the State in or for which the license was issued, who may, if he thinks fit, with the approval of the Chief Secretary to Government, direct a fresh license to be issued in its place to the licensee with or without further payment either to the same effect as the license which has been cancelled or revoked or subject to such further conditions or limitations as the Resident with the like approval may think proper.

Power to issue and cancel licenses.

5. Such licenses may be either

- (a) wholesale licenses to sell and keep, expose and offer for sale the poisons specified in such license ;
- (b) retail licenses to sell and keep, expose and offer for sale the poisons specified in such license ; or
- (c) wholesale and retail licenses to deal generally in poisons.

Different kind of license.

6. Every license issued under this Enactment shall be subject to such special conditions and limitations as the Principal Medical Officer or the licensing officer, with the approval of the Principal Medical Officer, may think fit to attach thereto, subject, however, in all cases to appeal to the Resident of the State in or for which the

Licenses may be issued subject to special conditions.

license is issued, but all such special conditions and limitations not set out in this Enactment shall be entered in writing on the license and initialled by the officer by whom the license is granted.

General  
conditions of  
licenses.

7. (i) There shall be implied in every license issued under this Enactment the condition that the licensee is bound to comply

- (a) with all the terms and conditions set out in the license ;
- (b) with all the provisions of this Enactment ;
- (c) with all the provisions of any rules that may from time to time be made under this Enactment.

(ii) Every license issued under this Enactment shall be personal to the licensee or licensees named therein and shall not in any case be transferable to another person, and no license shall authorize the sale of any poison by any person other than the person or persons named therein otherwise than in the presence and under the immediate direction and control of the licensee or one of the licensees.

(iii) Every license shall, unless previously revoked or cancelled under Section 4, continue in force until the 31st December in the year in respect of which it is issued and to no later date.

Fees.

8. There shall be payable in respect of every license issued under this Enactment such fee as shall from time to time be prescribed by rule under this Enactment but such fee shall not exceed five dollars for each person named as a licensee in the license.

Registers of  
licenses.

9. (i) Every licensing officer shall keep a register of licenses issued by him in which every license shall be numbered consecutively, as of the year in respect of which it is issued, commencing with the number (1). Such register shall shew the particulars of every license including the particulars of any special conditions or limitations imposed under Section 6 of this Enactment, and there shall be noted therein in the event of the revocation or cancellation of any license the date of such revocation or cancellation.

(ii) Every licensing officer shall as soon as conveniently may be after any entry is made in such register forward to the Principal Medical Officer a true copy of the entry.

(iii) Any office copy or extract from a register kept under this section certified by a licensing officer under his hand to be a true copy or extract shall be evidence in the facts recorded therein.

Publication of  
list of persons  
licensed.

10. (i) The Principal Medical Officer shall in or about the month of February in each year and more often if he shall think necessary cause to be printed and published in the *Gazette* correct lists of all persons licensed under this Enactment with the nature of the license or licenses granted to each such person and the State or States or the district or districts in and for which each license has been granted.

(ii) In such lists the names of licensees shall be arranged in alphabetical order according to the surname or *seh* in the case of persons using a surname or *seh* and in the case of others according to the personal name, which must in the latter case be followed by the name of the father of the licensee. The lists must also shew the place or places of business of the licensee and his residence if different.

(iii) Every list so published over the name of the Principal Medical Officer shall be evidence that the persons therein named are licensed under this Enactment as therein stated and the absence of any name from such list shall entitle any Court or person to presume until the contrary has been proved that such person is not licensed under this Enactment.

11. Licenses under this Enactment may be in any of the forms contained in the second schedule with such variations as circumstances may require or in any such form as may from time to time be prescribed by rules under this Enactment.

Form of  
licenses.

12. (i) It shall be lawful for the Principal Medical Officer and any licensing officer and any Medical Officer authorized in writing by the Principal Medical Officer or by a licensing officer and for any officer of Police not below the rank of Inspector to enter at all reasonable times upon any premises in the occupation of a licensee in which poisons are kept or stored and by himself or some other person accompanying him and acting under his instructions and in his presence to search such premises and to take samples of any substance found therein reasonably believed to be or to contain a poison and it shall be lawful further for any such officer in the like manner to inspect and take extracts from any book or record relating or reasonably believed to relate to any dealing in or with poisons wherever and by whomsoever kept and whether kept under the provisions of this Enactment or of any rules made under this Enactment or otherwise and for the purpose of such inspection or taking of extracts to enter at all reasonable times upon any place whatsoever.

Power to search,  
take samples,  
and inspect  
books.

(ii) Any Magistrate may by warrant addressed to any police officer not below the rank of corporal or to any chandu officer or officer of customs empower such officer to enter upon and search by day or night any premises within the jurisdiction of such Magistrate in any case in which it shall appear to such Magistrate upon the oath of any person that there is reasonable cause to believe that in such premises is concealed or deposited any article in respect of which an offence has been committed against this Enactment and to take possession of any such article and to arrest any person being in such premises in whose possession such article may be found or by whom the said officer may have good and sufficient reason to suspect that such article has been concealed or deposited therein, and any officer to whom such warrant may be directed may in case of obstruction or resistance break open any outer or inner door of such premises and any chests, trunks, or packages, and by force, if necessary, enter upon any part of such premises and remove any obstruction to such entry, search, or seizure and detain any person found in such premises until the search has been completed.

Search  
warrants.

13. (i) No person whether licensed under this Enactment or not shall knowingly keep or have in his possession or under his control any poison otherwise than

Storage of poi-  
sons.

(a) in an unbroken case or package as received from the manufacturer; or

(b) in a bottle, vessel, or other receptacle distinctly labelled with the name of the substance contained therein and also some distinctive mark indicating that it contains poison.

(ii) No person shall knowingly sell or keep any poison or substance containing poison for sale or for dispensing purposes except either

- (a) as provided in sub-section (i) (a) ; or
- (b) in a bottle or other vessel tied over, capped, locked, or otherwise safely secured in a manner different from that in which bottles or vessels containing non-poisonous substances are secured in the same warehouse, shop, or dispensary ; or
- (c) in a bottle or other vessel rendered distinguishable by touch from the bottles or vessels in which non-poisonous substances are kept in the same warehouse, shop, or dispensary ; or
- (d) in a bottle, vessel, box, or package kept in a room or cupboard under lock and key set apart for the keeping or storage of dangerous articles.

(iii) No person shall sell or dispense or deliver to any other person any poison or any liniment, embrocation, lotion, or liquid disinfectant containing poison except such poison or article containing poison is enclosed in a bottle or other vessel rendered distinguishable by touch from ordinary medicine bottles or vessels, and labelled " Poison " and in the case of any liniment, embrocation, lotion, or liquid disinfectant containing poison there is also affixed to each such bottle or vessel in addition to the name of the substance or article contained therein and the instructions for its use a label indicating that the contents are not to be taken internally.

Rules.

**14.** (i) In each State the Resident may from time to time, with the approval of the Chief Secretary to Government, make rules not inconsistent with the provisions of this Enactment for the purpose of regulating the importation, manufacture, possession, and sale of poisons in that State and generally for giving effect to the purposes of this Enactment and in particular

- (a) for regulating the form and manner of issue of licenses under this Enactment, the fees to be charged therefor and special conditions to be attached to any particular class of licenses ;
- (b) for prescribing the books to be kept by holders of licenses under this Enactment, the entries to be made therein, and the time and manner of making such entries ;
- (c) for prohibiting the storage or sale of poisons in any shop or place in which articles of food are prepared, kept, cooked, sold, or exposed or offered for sale ;
- (d) for prescribing the marks to be placed or made on vessels, bottles, cases, and on the covering of cases in which any poison is kept, stored, sold, or in any way dealt with ;
- (e) for fixing the quantity of any poison the sale of which shall be deemed a wholesale transaction.

(ii) All rules made under this section shall be laid on the table of the Federal Council at the next meeting after they are made and may be disallowed or amended by resolution of that Council.

15. The Chief Secretary to Government, after consultation with the Principal Medical Officer and the Residents of the several States, may from time to time by order published in the *Gazette* exempt from the operation of this Enactment or of any specified provision of this Enactment or of the rules or of any portion of the rules made under this Enactment—

Powers of  
Exemption.

- (a) Any specified persons or class of persons ;
- (b) Any mixture or preparation (not being a preparation which is itself a poison under the provisions of this Enactment) which contains one or more poisons but in so small a proportion as not to be dangerous to human life ;
- (c) Any patent medicine or other proprietary article ;
- (d) Any liquid commonly used as a beverage ;
- (e) Any chemicals commonly used for any process in connection with a trade manufacture or industry ;

but every such exemption shall be subject to such limitations and conditions as the Chief Secretary may think fit to impose either generally or in any particular case.

16. (i) Any person who acts in contravention of any of the provisions of this Enactment or of any rule made thereunder except in so far as his act comes within one of the exemptions made under the last preceding section shall be liable on conviction to a fine not exceeding five hundred dollars and to imprisonment in default for a term not exceeding six months, and if such person is a person licensed under this Enactment to sell poisons or if the act or omission charged is of such a nature as in the opinion of the Court before whom he is tried to amount to culpable negligence likely to endanger or which did in fact endanger human life then to a fine not exceeding two thousand five hundred dollars and to imprisonment in default for a term not exceeding twelve months or to imprisonment for a term not exceeding twelve months or to both.

Penalties.

(ii) In every case in which a conviction is had under this Enactment all poisons and all substances containing poison in respect of which the offence was committed and the receptacles in which the same were contained shall be forfeited and shall be disposed of as the Principal Medical Officer or the licensing officer for the district shall direct.

(iii) Every penalty and forfeiture imposed under this Enactment shall be in addition to and not in substitution for any other penalty to which the accused may be liable under any other law and no conviction under this Enactment shall be pleaded in any civil proceedings in mitigation of damages claimed against the person convicted.

(iv) The abetment of any offence punishable under this Enactment shall be punishable with the same penalty as the offence.

17. All convictions, penalties, and forfeitures under this Enactment may be had and recovered before any Magistrate of the First Class.

Jurisdiction.

18. (i) The Principal Medical Officer, any licensing officer, and any person authorized in writing by one of the said officers may

Prosecutions.

appear and be heard in the prosecution of any offence punishable under this Enactment in any Court, but no prosecution shall be instituted under this Enactment without the sanction in writing of the Principal Medical Officer, the Resident of the State, or the licensing officer of the State or district in which the offence is alleged to have been committed.

(ii) In all prosecutions under this Enactment the onus of proof that any poison found in the possession of the accused is not kept for sale shall be upon the accused.

#### FIRST SCHEDULE.

#### ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak ..	25 of 1907	The Poisons Enactment, 1907	The whole
Selangor ..	23 <sup>1</sup> of 1907	Do.	„
N. Sembilan ..	20 of 1907	Do.	„
Pahang ..	2 of 1908	The Poisons Enactment, 1908	„

#### SECOND SCHEDULE.

#### FORM A.—WHOLESALE LICENSE.

“ *The Poisons Enactment, 1911.*”

License is hereby granted to.....of.....carrying on business at.....and residing at.....to sell wholesale the under-mentioned poisons.....

This license is issued subject to the provisions of “The Poisons Enactment, 1911,” and of all rules made thereunder and to the following conditions—*viz.*.....

This license takes effect from the.....day of.....19..and expires on the 31st December of that year.

Dated at.....this.....day of.....19..

.....

*Licensing Officer.*

#### FORM B.—RETAIL LICENSE FOR PARTICULAR POISONS.

“ *The Poisons Enactment, 1911.*”

License is hereby granted to.....of.....carrying on business at.....and residing at.....to sell by retail the under-mentioned poisons.....

<sup>1</sup> E. 11 of 1914.

This license is issued subject to the provisions of "The Poisons Enactment, 1911," and of all rules made thereunder and to the following conditions—*viz.*.....

This license takes effect from the.....day of.....19..and expires on the 31st December of that year.

Dated at.....this.....day of.....19..

.....

*Licensing Officer.*

#### FORM C.—GENERAL LICENSE FOR SALE OF POISONS.

"*The Poisons Enactment, 1911.*"

License is hereby granted to.....of.....carrying on business at.....and residing at.....to sell poisons wholesale and by retail subject to the provisions of "The Poisons Enactment, 1911," and of any rules thereunder and to the following special conditions—*viz.*.....

This license takes effect from the.....day of.....19..and expires on the 31st December of that year.

Dated at.....this.....day of.....19..

.....

*Licensing Officer.*

## ENACTMENT NO. 1 OF 1912.

An Enactment to consolidate and amend the Law relating to Powers of Attorney.

ARTHUR YOUNG, [21st September, 1912.  
*President of the Federal Council.* 27th September, 1912.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and commencement.

1. (i) This Enactment may be cited as “The Powers of Attorney Enactment, 1912,” and shall come into force on the publication thereof in the *Gazette*.

Repeal.

(ii) On the coming into force of this Enactment the Enactments specified in the schedule to this Enactment shall be repealed.

Attestation of powers of attorney.

2. No instrument purporting to create a power of attorney executed either before or after the commencement of this Enactment shall have any validity to create such power within the Federated Malay States unless the execution of the instrument be verified by the attestation of one or more witnesses.

Deposit of power of attorney.

3. (i) Except as hereinafter provided no instrument purporting to create a power of attorney shall, after the commencement of this Enactment, have any validity to create such power within the Federated Malay States until

(a) such instrument, or

(b) if such instrument be registered in the Colony, an office copy thereof, or

(c) a true copy of the said instrument or office copy, as the case may be, duly compared therewith and marked by the Registrar, Assistant Registrar, or Deputy Registrar with the words “true copy,”

has been deposited in the office of a Registrar or Assistant Registrar or Deputy Registrar of the Supreme Court.

Translations.

(ii) If the instrument so deposited or whereof an office copy or true copy is so deposited is in any language other than English or Malay there shall also at the same time be deposited a translation into English thereof certified by an interpreter attached to the Court qualified to interpret in the language in which the instrument is written, or if there be no such interpreter a translation into English verified by a statutory declaration of some person qualified to translate from the language in which the instrument is written into English to the effect that such translation is to the best of his knowledge and belief a true translation.



(iii) There shall be payable in respect of the deposit of documents under this section such fees as may from time to time be prescribed. Fees.

(iv) The provisions of sub-section (i) shall not apply to instruments executed and used for the sole purpose of carrying out transactions in the office of a Registrar of Titles or a Collector of Land Revenue or a Warden of Mines ; provided they are attested in accordance with the law for the time being in force regarding the attestation of such instruments. Exception.

4. Every instrument purporting to create a power of attorney which has been, or of which an office copy or a true copy has been, deposited in the office of a Registrar or Assistant Registrar or Deputy Registrar of the Supreme Court, in accordance with the provisions of Section 3 whether before or after the commencement of this Enactment shall, so far as the said instrument is valid and so far as may be compatible with the terms of such instrument, continue in force until notice in writing of the revocation thereof by the donor, or of the renunciation thereof by the donee, has been deposited in every office in which the instrument or an office copy or a true copy thereof has been so deposited or either the donor or the donee has died or the donee has become of unsound mind, or the donor has been adjudicated an insolvent or of unsound mind or a receiving order has been made against him in bankruptcy. Revocation.

5. (i) If a power of attorney, given for valuable consideration, is in the instrument creating the power expressed to be irrevocable, then, in favour of a purchaser, Provisions in favour of a purchaser in the case of powers of attorney given for valuable consideration.

(a) the power shall not be revoked at any time, either by anything done by the donor of the power without the concurrence of the donee of the power, or by the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power ; and

(b) any act done at any time by the donee of the power, in pursuance of the power, shall be as valid as if anything done by the donor of the power without the concurrence of the donee of the power, or the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power, had not been done or happened ; and

(c) neither the donee of the power, nor the purchaser, shall at any time be prejudicially affected by notice of anything done by the donor of the power, without the concurrence of the donee of the power, or of the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power.

(ii) This section applies to powers of attorney created by instruments executed either before or after the commencement of this Enactment.

6. (i) If a power of attorney, whether given for valuable consideration or not, is in the instrument creating the power expressed to be irrevocable for a fixed time therein specified, then, in favour of a purchaser, Provisions in favour of a purchaser in the case of powers of attorney expressed to be irrevocable for a fixed time.

- (a) the power shall not be revoked, for and during that fixed time, either by anything done by the donor of the power without the concurrence of the donee of the power, or by the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power; and
- (b) any act done within that fixed time, by the donee of the power, in pursuance of the power, shall be as valid as if anything done by the donor of the power without the concurrence of the donee of the power, or the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power, had not been done or happened; and
- (c) neither the donee of the power, nor the purchaser, shall at any time be prejudicially affected by notice either during or after that fixed time of anything done by the donor of the power during that fixed time, without the concurrence of the donee of the power, or of the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor of the power within that fixed time.

(ii) This section applies to powers of attorney created by instruments executed after the commencement of this Enactment.

Payment by attorney under power without notice of death, etc., good.

7. (i) Any person making or doing any payment or act in good faith in pursuance of a power of attorney shall not be liable in respect of the payment or act by reason that before the payment or act the donor of the power had died or became lunatic or of unsound mind or bankrupt or had revoked the power if the fact of death, lunacy, unsoundness of mind, bankruptcy, or revocation was not at the time of the payment or act known to the person making or doing the same.

(ii) But this section shall not affect any right against the payee of any person interested in the money so paid and that person shall have the like remedy against the payee as he would have had against the payer if the payment had not been made by him.

(iii) This section applies only to payments and acts made and done after the commencement of this Enactment.

Register of powers of attorney and inspection of register.

8. A separate file of documents deposited in accordance with Section 3 shall be kept by every Registrar, Assistant Registrar, and Deputy Registrar who shall enter in a register kept for that purpose short particulars of each such document together with any subsequent revocation or other determination thereof of which he shall have had notice, and any person may during the usual office hours upon payment of a fee of twenty-five cents search such register and file and inspect any document so deposited, and an office copy of such document shall be delivered out to him on request and on payment of a fee of fifteen cents per folio of one hundred words or part thereof.

Office copies.

9. A copy of any document so deposited may be presented at the office at which such document is deposited and may, after verification and on payment of a fee of one dollar or such less fee as may from time to time be prescribed, be marked by the Registrar,

Assistant Registrar, or Deputy Registrar as an office copy and when so marked shall become and be an office copy of such document.

10. An office copy of any document deposited in accordance with Section 3 shall, when marked as provided in the last preceding section, be without further proof sufficient evidence of the contents of such document and of the deposit thereof in the office of the Registrar, Assistant Registrar, or Deputy Registrar. Office copies as evidence.

11. Every Registrar, Assistant Registrar, and Deputy Registrar shall, upon application whether made orally or in writing by any person desirous of obtaining information respecting any specified document deposited in the office of such Registrar, Assistant Registrar, or Deputy Registrar or as to the deposit or otherwise of a document of any specified tenor and on payment of a fee of one dollar or such other fee as may from time to time be prescribed, furnish to the best of his ability to such person the information applied for: provided always that any copy of a document supplied for the purpose of furnishing such information shall be paid for separately under Section 8. Searches.

12. On or before the fifth day of every month every Assistant Registrar and Deputy Registrar shall transmit to the Registrar of the Supreme Court at Kuala Lumpur, and if the Resident of any State shall so direct then also to such office in that State as the Resident may from time to time order, a verified copy of the entries made in his register during the preceding month. Monthly returns.

13. The Chief Secretary to Government may from time to time and subject to the provisions of Section 9, by notification published in the *Gazette* prescribe the fees to be charged under this Enactment. Fees.

## SCHEDULE.

## ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak ..	13 of 1900	The Powers of Attorney Enactment, 1900
Selangor ..	17 of 1900	Do.
N. Sembilan	18 of 1900	Do.
Pahang ..	2 of 1901	The Powers of Attorney Enactment, 1901

## ENACTMENT NO. 2 OF 1912.<sup>1</sup>

An Enactment to make provision for proceedings in Bankruptcy.

ARTHUR YOUNG, [21st September, 1912.]  
*President of the Federal Council.*

It is hereby enacted by the Rulers of the Federated Malay States in Council, as follows :—

### PRELIMINARY.

Short title. 1. This Enactment may be cited as “The Bankruptcy Enactment, 1912,” and shall, except as by this Enactment otherwise provided, commence and come into operation on such day as shall be fixed for that purpose by the Chief Secretary to Government by notification in the *Gazette*.

Commence-  
ment. ment.

Repeal. 2. (i) The Enactments described in the first schedule are hereby repealed as from the commencement of this Enactment to the extent mentioned in that schedule.

(ii) After the passing of this Enactment no composition or scheme of arrangement under Section 333 of the Civil Procedure Code shall be entered into or allowed without the sanction of the Court; and such sanction shall not be granted nor shall the approval of the Court be given to any such composition or scheme unless the composition or scheme appears to the Court to be reasonable and calculated to benefit the general body of creditors.

Interpretation  
of terms. 3. (i) In this Enactment unless the context otherwise requires—  
“The Court ” (except in Part VII) means a Court of a Judicial Commissioner ;

“Available act of bankruptcy ” means any act of bankruptcy available for a bankruptcy petition at the date of the presentation of the petition on which the receiving order is made ;

“Bankruptcy petition ” includes a petition for a receiving order ;

“Consultative Committee ” means the Committee appointed under Section 21 ;

“Debt provable in bankruptcy ” or “provable debt ” includes any debt or liability by this Enactment made provable in bankruptcy ;

“Deed of arrangement ” includes any of the following instruments whether under seal or not made by for or in respect of the

<sup>1</sup> As this volume goes to press it is notified that this Enactment will come into force on 1st May, 1921.

affairs of a debtor for the benefit of his creditors generally—that is to say :

(a) An assignment of property ;

(b) A deed or agreement for a composition ;

and in cases where creditors of a debtor obtain any control over the property or business—

(c) A deed of inspectorship entered into for the purpose of winding up or carrying on a business ;

(d) A letter of license authorizing the debtor or any other person to manage, carry on, realize, or dispose of a business with a view to the payment of debts ; and

(e) Any agreement or instrument entered into for the purpose of carrying on or winding up the debtor's business or authorizing the debtor or any other person to manage, carry on, realize, or dispose of the debtor's business with a view to the payment of his debts ;

“Gazetted ” means published in the *Gazette* ;

“General rules ” include forms ;

“Goods ” include all chattels personal ;

“Official Assignee ” includes Assistant Official Assignee and any person lawfully appointed to act as Official Assignee or Assistant Official Assignee in place of the holder of such appointment ;

“Ordinary resolution ” means a resolution decided by a majority in value of the creditors present personally, or by proxy, at a meeting of creditors and voting on the resolution ;

“Property ” includes money, goods, things in action, land and every description of property, movable or immovable, and whether situated in the States or elsewhere ; also obligations, easements, and every description of estate, interest, and profit, present or future, vested or contingent, arising out of or incident to property as above defined ;

“Registrar ” means Registrar of the Supreme Court and includes Assistant Registrar and Deputy Registrar ;

“Resolution ” means ordinary resolution ;

“Secured creditor ” means a person holding a mortgage, charge, or lien on the property of the debtor or any part thereof as a security for a debt due to him from the debtor ;

“Sheriff ” includes any officer charged with the execution of a writ or other process ;

“Special resolution ” means a resolution decided by a majority in number and three-fourths in value of the creditors present, personally or by proxy, at a meeting of creditors and voting on the resolution ;

“States ” means the Federated Malay States.

(ii) The schedules to this Enactment shall be construed and have effect as part of this Enactment.

## PART I.

PROCEEDINGS FROM ACT OF BANKRUPTCY TO  
DISCHARGE.

## ACTS OF BANKRUPTCY.

Acts of  
bankruptcy.

4. (i) A debtor commits an act of bankruptcy in each of the following cases :

- (a) If in the States or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally ;
- (b) If in the States or elsewhere he makes a fraudulent conveyance, gift, delivery, or transfer of his property or of any part thereof ;
- (c) If in the States or elsewhere he makes any conveyance or transfer of his property, or of any part thereof, or creates any charge thereon which would, under this or any other Enactment for the time being in force, be void as a fraudulent preference if he were adjudged bankrupt ;
- (d) If, with intent to defeat or delay his creditors, he does any of the following things—namely, departs out of the States or being out of the States remains out of the States or departs from his dwelling-house or otherwise absents himself or begins to keep house or closes his place of business or submits collusively or fraudulently to an adverse judgment or order for the payment of money ;
- (e) If execution issued against him has been levied by seizure of his property under process in an action or in any civil proceedings in a Court of a Judicial Commissioner or a Court of a Magistrate of the First Class where the judgment including costs is for an amount exceeding one hundred dollars ;
- (f) If he files in the Court a declaration of his inability to pay his debts or presents a bankruptcy petition against himself ;
- (g) If he gives notice to any of his creditors that he has suspended or that he is about to suspend payment of his debts ;
- (h) If, after the commencement of this Enactment, he makes to any two or more of his creditors (not being partners) an offer of composition with his creditors or a proposal for a scheme of arrangement of his affairs and such offer or proposal is not followed within fourteen days thereafter by the acceptance and approval by the Court of a composition or scheme ;
- (i) If a creditor has obtained a final decree against him for any amount and, execution thereon not having been stayed, has served on him in the States, or by leave of the Court elsewhere, a bankruptcy notice under this Enactment

requiring him to pay the judgment debt in accordance with the terms of the decree or to secure or compound for it to the satisfaction of the creditor or the Court and he does not within seven days after service of the notice in case the service is effected in the States and in case the service is effected elsewhere then within the time limited in that behalf by the order giving leave to effect the service either (a) comply with the requirements of the notice or (b) satisfy the Court that he has a counterclaim, set off or cross demand which equals or exceeds the amount of the judgment debt and which he could not set up in the action in which the decree was obtained ;

(j) If the Sheriff makes a return that the debtor was possessed of no property liable to seizure ; and for the purposes of this clause the date of the order of execution shall be deemed to be the date of the act of bankruptcy.

(ii) A bankruptcy notice under this Enactment shall be in the prescribed form, shall state the consequences of non-compliance therewith and shall be served in the prescribed manner.

(iii) The word "debtor" in this section shall be deemed to include any person

(a) who is domiciled in the States ; or

(b) who within a year before the date of the presentation of the petition has ordinarily resided in or had a dwelling-house or place of business in the States ; or

(c) who though not himself personally within the States carries on business by an agent within the States.

#### RECEIVING ORDER.

5. Subject to the conditions hereinafter specified if a debtor has committed an act of bankruptcy the Court may, on a bankruptcy petition being presented either by a creditor or by the debtor, make an order for the protection of the estate which order is in this Enactment called receiving order.

Jurisdiction  
to make  
receiving order.

6. (i) A creditor shall not be entitled to present a bankruptcy petition against a debtor unless

Conditions on  
which creditor  
may petition.

(a) the debt owing by the debtor to the petitioning creditor or (if two or more creditors join in the petition) the aggregate amount of debts owing to the several petitioning creditors, amounts to one hundred dollars ; and

(b) the debt is a liquidated sum payable either immediately or at some certain future time ; and

(c) the act of bankruptcy on which the petition is grounded has occurred within six months before the presentation of the petition.

(ii) If the petitioning creditor is a secured creditor he must in his petition either state that he is willing to give up his security for the benefit of the creditors in the event of the debtor being adjudged bankrupt or give an estimate of the value of his security. In the

latter case he may, to the extent of the balance of the debt due to him after deducting the value so estimated, be admitted as a petitioning creditor in the same manner as if he were an unsecured creditor.

Proceedings  
and order on  
creditor's  
petition.

7. (i) A creditor's petition shall be verified by affidavit of the creditor or of some person on his behalf having knowledge of the facts and shall be served in the prescribed manner.

(ii) At the hearing the Court shall require proof of

(a) the debt of the petitioning creditor ;

(b) the act of bankruptcy or if more than one act of bankruptcy is alleged in the petition some one of the alleged acts of bankruptcy ; and

(c) if the debtor does not appear the service of the petition ;

and if satisfied with the proof may make a receiving order in pursuance of the petition.

(iii) If the Court is not satisfied with the proof of the petitioning creditor's debt or of the act of bankruptcy or of the service of the petition or is satisfied by the debtor that he is able to pay his debts or that for other sufficient cause no order ought to be made the Court may dismiss the petition.

(iv) When the act of bankruptcy relied on is non-compliance with a bankruptcy notice to pay, secure or compound for a judgment debt the Court may, if it thinks fit, stay or dismiss the petition on the ground that an appeal is pending from the judgment.

(v) Where the debtor appears on the petition and denies that he is indebted to the petitioner or that he is indebted to such an amount as would justify the petitioner in presenting a petition against him the Court, on such security (if any) being given as the Court may require for payment to the petitioner of any debt which may be established against the debtor in due course of law and of the costs of establishing the debt, may, instead of dismissing the petition, stay all proceedings on the petition for such time as may be required for trial of the question relating to the debt.

(vi) Where proceedings are stayed the Court may, if by reason of the delay caused by the stay of proceedings or for any other cause it thinks just, make a receiving order on the petition of some other creditor and shall thereupon dismiss, on such terms as it thinks just, the petition in which proceedings have been stayed as aforesaid.

(vii) A creditor's petition shall not after presentation be withdrawn without the leave of the Court.

Debtor's  
petition and  
order thereon.

8. (i) A debtor's petition shall allege that the debtor is unable to pay his debts and the presentation thereof shall be deemed an act of bankruptcy without the previous filing by the debtor of any declaration of inability to pay his debts and the Court shall thereupon make a receiving order.

(ii) A debtor's petition shall not after presentation be withdrawn without the leave of the Court.

Effect of  
receiving order.

9. (i) On the making of a receiving order the Official Assignee shall be thereby constituted receiver of the property of the debtor



and thereafter, except as directed by this Enactment, no creditor to whom the debtor is indebted, in respect of any debt provable in bankruptcy, shall have any remedy against the property or person of the debtor in respect of the debt or shall commence any action or other legal proceeding in respect of such debt unless with the leave of the Court and on such terms as the Court may impose.

(ii) This section shall not affect the power of any secured creditor to realize or otherwise deal with his security in the same manner as he would have been entitled to realize or deal with it if this section had not been passed.

(iii) On a receiving order being made against a debtor he shall, within twenty-four hours after such order, file an affidavit in the office of the Official Assignee containing a true and correct statement of the names and residences of all the partners, if any, in his business. Such statement shall for the purposes of this Enactment be deemed to be part of the debtor's statement of his affairs referred to in Section 16 of this Enactment.

(iv) On such order as aforesaid being made against a debtor the Official Assignee shall forthwith take possession of all books of account and other papers and documents, in the possession, custody, or control of the debtor, relating to his property or affairs and may take into his possession all or any deeds, books, documents, and other property of the bankrupt.

(v) On making a receiving order the Court, on application made by or on behalf of the petitioning creditor or any other person claiming to be a creditor, may detain the debtor, if he be present, and, if he be not present, may order the debtor to be arrested and brought before the Court by warrant addressed to any police officer or officer of the Court and, unless the debtor when so detained or brought before the Court shall give security to the satisfaction of the Court that he will not leave the States without the previous permission in writing of the Official Assignee or of the Court, he may be committed to a civil prison and be there kept until the close of his public examination or until the Court shall otherwise order; provided that when a receiving order is made against a firm in the firm's name no such warrant to arrest any alleged partner in the firm shall issue except upon the application of the petitioning or some other creditor and upon evidence on oath as to the persons who at the date of the receiving order are partners in the firm. If any person arrested shall deny that he is a partner the Court shall order his release unless the petitioning or other creditor shall give security to the satisfaction of the Court to meet the probable damages if such person be found not to be a partner. The cost of maintaining any debtor in prison under this section shall be prepaid by the applicant from time to time to the prison authority according to the cost of rations for the time being.

Court may detain or order arrest of debtor and commit him to prison unless he gives security not to leave the States.

10. (i) The Court may, if it thinks it advisable for the protection of the estate, at any time after the presentation of a bankruptcy petition and before a receiving order is made, appoint the Official Assignee to be *interim* receiver of the property of the debtor or of any part thereof and direct him to take immediate possession thereof

Discretionary powers as to appointment of receiver and stay of proceedings.

or of any part thereof including all books of account and other papers and documents belonging to the debtor and relating to his business.

(ii) The Court may at any time after the presentation of a bankruptcy petition stay any action, execution, or other legal process against the property or person of the debtor.

Service of  
order staying  
proceedings.

11. Where an order is made under the last preceding section staying any action or proceeding or staying proceedings generally the order may be served by sending a copy thereof under the seal of the Court by registered post to the address for service of the plaintiff or other party prosecuting such proceeding.

Power to  
appoint  
special  
manager.

12. (i) The Official Assignee may, if satisfied that the nature of the debtor's estate or business or the interests of the creditors generally require the appointment of a special manager of the estate or business other than the Official Assignee, appoint a manager thereof accordingly to act until the first meeting of creditors and with such powers (including any of the powers of a receiver) as may be entrusted to him by the Official Assignee.

(ii) The debtor may be appointed special manager.

(iii) The special manager shall give security and account in such manner as the Official Assignee, subject to the control of the Court, directs.

(iv) The special manager shall receive such remuneration as the Official Assignee, within the prescribed limits and subject to such control as aforesaid, determines.

Advertisement  
of receiving  
order.

13. Notice of every receiving order, stating the name, address, and description of the debtor, the date of the order and the date of the petition, shall be gazetted and advertised in a local paper in the prescribed manner.

Power of Court  
to rescind  
receiving order  
in certain cases.

14. If in any case where a receiving order has been made on a bankruptcy petition it appears to the Court, upon an application by the Official Assignee or any creditor or other person interested, that a majority of the creditors in number and value are resident in the Colony or in any other portion of His Britannic Majesty's dominions and that from the situation of the property of the debtor or for other causes his estate and effects ought to be distributed among the creditors under the Bankrupt or Insolvent Laws of the Colony or such other portion of His Britannic Majesty's dominions, the Court after such enquiry as to it seems fit may rescind the receiving order and stay all proceedings on or dismiss the petition upon such terms (if any) as it thinks fit.

#### PROCEEDINGS CONSEQUENT ON ORDER.

First and other  
meetings of  
creditors.

15. (i) As soon as may be after the making of a receiving order against a debtor a general meeting of his creditors (in this Enactment referred to as the first meeting of creditors) shall be held for the purpose of considering whether a proposal for a composition or scheme of arrangement shall be entertained or whether it is expedient that the debtor be adjudged bankrupt and generally as to the mode of dealing with the debtor's property.

(ii) With respect to the summoning of, and proceedings at, the first and other meetings of creditors the rules in the second schedule shall be observed.

**16. (i)** Where a receiving order is made against a debtor he shall make out and submit to the Official Assignee a statement of and in relation to his affairs in the prescribed form verified by affidavit and shewing the particulars of the debtor's assets, debts, and liabilities, the names, residences, and occupations of his creditors, the securities held by them respectively, the dates when the securities were respectively given, the cause of his insolvency, the date when he last balanced his accounts before becoming insolvent, the amount of his capital at the date of such balance after providing for all his liabilities and making allowance for bad and doubtful debts and such further or other information as is prescribed or as the Official Assignee requires.

Debtor's  
statement of  
affairs.

(ii) The statement shall be so submitted within the following items—namely :

(a) If the order is made on the petition of the debtor, within seven days from the date of the order ;

(b) If the order is made on the petition of a creditor, within twenty-one days from the date of the order ;

But the Official Assignee may, in either case, for special reasons, extend the time by order made under his hand, to be forthwith filed, recording the reasons therefor.

(iii) If the debtor fails without reasonable excuse (proof whereof shall lie on him) to comply with the requirements of this section he shall be guilty of a contempt of Court and may be punished accordingly and the Court may on the application of the Official Assignee or of any creditor adjudge him bankrupt.

(iv) Any person stating himself, in writing, to be a creditor of the bankrupt may, personally or by agent, inspect this statement at all reasonable times and take any copy thereof or extract therefrom, but any person untruthfully so stating himself to be a creditor shall be guilty of a contempt of Court and shall be punishable accordingly on the application of the Official Assignee.

#### PUBLIC EXAMINATION OF DEBTOR.

**17. (i)** Where the Court makes a receiving order it shall hold a public sitting on a day to be appointed by the Court for the examination of the debtor and the debtor shall attend thereat and shall be examined before a Judicial Commissioner in open Court as to his conduct, dealings, and property.

Public  
examination  
of debtor.

(ii) The examination shall be held as soon as conveniently may be after the expiration of the time for the submission of the debtor's statement of affairs and after the first meeting of creditors.

(iii) The Court may adjourn the examination from time to time.

(iv) Any creditor who has tendered a proof, or his representative authorized in writing, may question the debtor concerning his affairs and the causes of his failure.

(v) The Official Assignee shall take part in the examination of the debtor and for the purpose thereof may, if specially authorized by the Chief Secretary to Government under his hand, employ a Solicitor with or without Counsel but no Solicitor or Counsel shall be allowed to take part in the examination on behalf of the debtor.

(vi) The Court may put such questions to the debtor as it thinks expedient.

(vii) The debtor shall be examined upon affirmation and it shall be his duty to answer all such questions as the Court puts or allows to be put to him. Such notes of the examination as the Court thinks proper shall be taken down in writing by the Registrar and shall be read over to and signed by the debtor and may thereafter be used in evidence against him and shall be open to the inspection of any creditor at all reasonable times.

(viii) When the Court is of opinion that the affairs of the debtor have been sufficiently investigated it shall, by order, declare that his examination is concluded, but such order shall not preclude the Court from directing a further examination of the debtor as to his conduct, dealings, and property whenever it sees fit to do so.

#### COMPOSITION OR SCHEME OF ARRANGEMENT.

Power for  
creditors to  
accept and  
Court to  
approve com-  
position of  
arrangement.

18. (i) The creditors may by special resolution, at the first meeting or any adjournment thereof, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the debtor or a proposal for a scheme of arrangement of the debtor's affairs.

(ii) The composition or scheme shall not be binding on the creditors unless it is confirmed at a subsequent meeting of the creditors by a resolution passed by a majority in number representing three-fourths in value of all the creditors who have proved and is approved by the Court.

(iii) Any creditor who has proved his debt may assent to or dissent from such composition or scheme by a letter addressed to the Official Assignee in the prescribed form and attested by a witness and sent or posted so as to be received by such Official Assignee not later than the day preceeding such subsequent meeting and a creditor so assenting or dissenting shall be taken as being present and voting at such meeting.

(iv) The subsequent meeting shall be summoned by the Official Assignee by not less than seven days' notice and shall not be held until after the public examination of the debtor is concluded. The notice shall state generally the terms of the proposal and shall be accompanied by a report of the Official Assignee thereon.

(v) The debtor or the Official Assignee may, after the composition or scheme is accepted by the creditors, apply to the Court to approve it and notice of the time appointed for hearing the application shall be given in the prescribed manner. Such application shall be made and heard in open Court.

(vi) The Court before approving a composition or scheme shall hear a report of the Official Assignee as to the terms of the composition or scheme and as to the conduct of the debtor and shall hear any objections which may be made by or on behalf of any creditor.

(vii) If the Court is of opinion that the terms of the composition or scheme are not reasonable or are not calculated to benefit the general body of creditors and in any case in which the Court is required under this Enactment to refuse a bankrupt his discharge the Court shall, or if any such facts are proved as would under this Enactment justify the Court in refusing, qualifying, or suspending the discharge, the Court may, in its discretion, refuse to approve the composition or scheme.

(viii) If the Court approves the composition or scheme the approval may be testified by the seal of the Court being attached to the instrument containing the terms of the composition or scheme or by the terms being embodied in an order of the Court.

(ix) A composition or scheme accepted and approved in pursuance of this section shall be binding on all the creditors so far as relates to any debts due to them from the debtor and provable in bankruptcy.

(x) A certificate of the Official Assignee that a composition or scheme has been duly accepted and approved shall in the absence of fraud be conclusive as to its validity.

(xi) The provisions of a composition or scheme under this section may be enforced by the Court on application by any person interested and any disobedience of an order of the Court made on the application shall be deemed a contempt of Court.

(xii) If default is made in payment of any instalment due in pursuance of the composition or scheme or if it appears to the Court on satisfactory evidence that the composition or scheme cannot, in consequence of legal difficulties or for any sufficient cause, proceed without injustice or undue delay to the creditors or to the debtor or that the approval of the Court was obtained by fraud the Court may, if it thinks fit, on application by any creditor adjudge the debtor bankrupt and annul the composition or scheme but without prejudice to the validity of any sale, disposition, or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section any debt provable in other respects which has been contracted before the date of the adjudication shall be provable in the bankruptcy.

(xiii) If under or in pursuance of a composition or scheme a trustee or assignee is appointed to administer the debtor's property or manage his business or distribute a composition Part IV of this Enactment shall apply to such trustee or assignee as if he were an assignee in a bankruptcy and as if the terms "bankruptcy," "bankrupt," and "order of adjudication" included, respectively, a composition or scheme of arrangement, a compounding or arranging debtor, and an order approving the composition or scheme.

(xiv) Part III of this Enactment shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto the same interpretation being given to the words " assignee," " bankruptcy," " bankrupt," and " order of adjudication " as in the last preceding sub-section.

(xv) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of a bankrupt.

(xvi) The acceptance by a creditor of a composition or scheme shall not release any person who under this Enactment would not be released by an order of discharge if the debtor had been adjudged bankrupt.

Effect of  
composition  
or scheme.

(xvii) Notwithstanding the acceptance and approval of a composition or scheme such composition or scheme shall not be binding on any creditor so far as regards a debt or liability from which under the provisions of this Enactment the debtor would not be discharged by an order of discharge in bankruptcy unless the creditor assents to the composition or scheme.

No deed of  
arrangement  
valid except  
under Sections  
18 or 22 unless  
registered.

19. (i) No deed of arrangement, except a composition or scheme entered into under Section 18 or Section 22, shall be valid unless the same shall have been registered at the office of the Registrar within fourteen clear days after the first execution thereof by the debtor or any creditor and unless the same shall be registered in accordance with the rules for the time being in force for the registration of deeds of arrangement under this Enactment.

Penalty for  
collusive  
preference.

(ii) Every person who signs or on whose behalf is signed a deed of arrangement to which the last preceding sub-section applies, who shall, on or within two months before, or at any period after, signing the same, receive any secret or collusive preference, gratuity, security, payment, or other consideration (all hereinafter included in the expression " gratuity ") for concurring in or signing such deed of arrangement shall be guilty of an offence punishable as hereinafter mentioned.

(iii) Every gratuity for concurring in or signing or having concurred in or signed a deed of arrangement shall be deemed to be secret and collusive if the same or any promise for the same be not disclosed on the face of the deed of arrangement or in a memorandum annexed to the deed at the time when the person who has received or is to receive such gratuity signs the deed of arrangement, which memorandum shall also be signed in acknowledgment of having seen the same by all the parties to the deed of arrangement before the registration thereof. A gratuity shall not be deemed to be secret or collusive if it is disclosed as before mentioned.

(iv) Every person committing an offence under this section shall be liable to a fine not exceeding five times the amount or value of the gratuity received by or promised to him and the Court before which such person is tried may award a part of any such fine, not exceeding one-half thereof, to the informer through whom the conviction has been obtained provided that such informer be not the debtor.

(v) It shall be lawful for the Chief Secretary to Government from time to time to make rules for the registration of deeds of arrangement under this Enactment. Power to make rules.

Such rules shall provide for

- (a) the mode of registration ;
- (b) the form of the registers to be kept for the purpose of registration of deeds of arrangement under this Enactment ;
- (c) the inspection of the registers and deeds registered and the taking of copies and extracts of the same and the custody of the registers and other documents connected with the business of registration ;
- (d) the fees to be taken in respect of registration of deeds of arrangement and in respect of office copies or extracts and searches.

(vi) All rules made under this section shall be laid on the table of the Federal Council at its next meeting and shall then be published in the *Gazette* and shall have the same force and effect as if enacted in this Enactment ; but such rules shall not come into operation until a date to be fixed for that purpose by the Chief Secretary to Government, which date shall be subsequent to the meeting of the Federal Council, and any rule which is disapproved by a resolution of the Council shall not come into operation or if it has come into operation shall cease to have operation.

(vii) The Supreme Court, upon being satisfied that the omission to register a deed of arrangement within the time required by this Enactment or that the omission or mis-statement of the name, residence, or description of any person was accidental or due to inadvertence or to some cause beyond the control of the debtor and not imputable to any negligence on his part, may, on the application of any party interested and on such terms and conditions as are just and expedient, extend the time for such registration or order such omission or mis-statement to be supplied or rectified by the insertion in the register of the true name, residence, or description. Rectification of registers.

#### ADJUDICATION OF BANKRUPTCY.

20. (i) At the time of making a receiving order the Court shall adjudge the debtor bankrupt unless the debtor can shew to the satisfaction of the Court that he is in a position to offer a composition or make a scheme of arrangement satisfactory to his creditors ; provided that when a receiving order is made against a firm in the firm's name the Court shall not adjudge any person bankrupt as a member of the firm unless such person is proved to the satisfaction of the Court to be a partner by his own admission or by evidence on affirmation. The Court may at any time on the application of the debtor himself by petition in writing (unstamped) to be forthwith filed adjudge him bankrupt and at the same time make a receiving order against him and such application may be made without notice. Adjudication of bankruptcy.

(ii) Where a receiving order is made against a debtor then, if the creditors at the first meeting or any adjournment thereof resolve by ordinary resolution that the debtor be adjudged bankrupt or pass no resolution or if the creditors do not meet or if a composition or scheme is not accepted or approved in pursuance of this Enactment within fourteen days after the conclusion of the examination of the debtor or such further time as the Court allows, the Court shall adjudge the debtor bankrupt.

(iii) When a debtor is adjudged bankrupt his property shall become divisible among his creditors and shall vest in the Official Assignee.

(iv) Notice of every order adjudging a debtor bankrupt, stating the name, address, and description of the bankrupt and the date of the adjudication, shall be gazetted and advertised in a local paper in the prescribed manner, and the date of the order shall for the purposes of this Enactment be the date of the adjudication.

Consultative  
committee.

**21.** (i) The creditors qualified to vote may at their first meeting or any adjournment thereof appoint by resolution, from among the creditors qualified to vote or the holders of general proxies or general powers of attorney from such creditors, a committee of one or more persons, not exceeding three, for the purpose of advising the Official Assignee on matters relating to the administration of the property of the bankrupt.

(ii) The Official Assignee may convene the committee at such times as he shall think necessary and it shall be the duty of the Official Assignee to convene the committee whenever requested in writing to do so by all, or a majority of, the members of the committee.

(iii) Any member of the committee may resign his office by notice in writing signed by him and delivered to the Official Assignee.

(iv) If a member of the committee becomes bankrupt or compounds or arranges with his creditors or is absent for more than two months from the State in which the bankruptcy proceedings are carried on his office shall thereupon become vacant.

(v) Any member of the committee may be removed by an ordinary resolution at any meeting of creditors of which seven days' notice has been given stating the object of the meeting.

(vi) On a vacancy occurring in the office of a member of the committee the Official Assignee shall forthwith summon a meeting of creditors for the purpose of filling the vacancy and the meeting may by resolution appoint another creditor or other person eligible as above.

Power to accept  
composition or  
scheme after  
bankruptcy  
adjudication.

**22.** (i) Where a debtor is adjudged bankrupt the creditors may, if they think fit, at any time after the adjudication, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them under the bankruptcy or for a scheme of arrangement of the bankrupt's affairs and thereupon the same proceedings shall be taken and the same consequences shall ensue as in the case of a composition or scheme entertained at the first meeting of creditors.



(ii) If the Court approves the composition or scheme it may make an order annulling the bankruptcy and vesting the property of the bankrupt in him or in such other person as the Court appoints on such terms and subject to such conditions (if any) as the Court declares.

(iii) If default is made in payment of any instalment due in pursuance of the composition or scheme or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay or that the approval of the Court was obtained by fraud the Court may, if it thinks fit, on application by any person interested, adjudge the debtor bankrupt and annul the composition or scheme but without prejudice to the validity of any sale, disposition, or payment duly made or thing duly done under or in pursuance of the composition or scheme. Where a debtor is adjudged bankrupt under this sub-section all debts provable in other respects which have been contracted before the date of such adjudication shall be provable in the bankruptcy.

#### CONTROL OVER PERSON AND PROPERTY OF DEBTOR.

**23.** (i) Every debtor against whom a receiving order is made shall, unless prevented by sickness or other sufficient cause, attend the first meeting of his creditors and any subsequent meeting of his creditors which the Official Assignee requires him to attend and shall submit to such examination and give such information as the meeting requires.

Duties of debtor as to discovery and realization of property.

(ii) He shall give such inventory of his property, such list of his creditors and debtors and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, wait at such times and places on the Official Assignee, execute such powers of attorney, conveyances, deeds, and instruments, and, generally, do all such acts and things in relation to his property and the distribution of the proceeds amongst his creditors as may be reasonably required by the Official Assignee or may be prescribed by general rules or be directed by the Court by any special order or orders made in reference to any particular case or made on the occasion of any special application by the Official Assignee or any creditor or person interested.

(iii) He shall, if adjudged bankrupt, aid to the utmost of his power in the realization of his property and the distribution of the proceeds among his creditors and amongst other things shall be bound, if required by the Official Assignee so to do, to answer all such questions and to submit to such medical examination and to do all such other things as may be necessary for the purpose of effecting an insurance on his life.

(iv) If a debtor wilfully fails to perform the duties imposed on him by this section or to deliver up possession of any part of his property which is divisible amongst his creditors under this Enactment and which is for the time being in his possession or under his control to the Official Assignee or to any person authorized by the Court to take possession of it, he shall, in addition to any other punishment to which he may be subject, be guilty of a contempt of Court and may be punished accordingly.

Arrest of debtor  
under certain  
circumstances.

24. (i) The Court may by warrant, addressed to any police officer or officer of the Court, cause a debtor to be arrested and any books, papers, money, and goods in his possession to be seized and him and them to be safely kept as prescribed, until such time as the Court may order, under the following circumstances :

- (a) If, after a bankruptcy notice has been issued under this Enactment or after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable reason for believing that he is in hiding or has absconded or is about to abscond with a view of avoiding payment of the debt in respect of which the bankruptcy notice was issued or of avoiding service of a bankruptcy petition or of avoiding appearance to any such petition or of avoiding examination in respect of his affairs or of otherwise avoiding, delaying, or embarrassing proceedings in bankruptcy against him ;
- (b) If, after presentation of a bankruptcy petition by or against him, it appears to the Court that there is probable cause for believing that he is about to remove his goods with a view of preventing or delaying possession being taken of them by the Official Assignee or that there is probable ground for believing that he has concealed or is about to conceal or destroy any of his goods or any books, documents, or writings which might be of use to his creditors in the course of his bankruptcy ;
- (c) If, after service of a bankruptcy petition on him or after a receiving order is made against him, he removes any goods in his possession above the value of twenty-five dollars without the leave of the Official Assignee ;
- (d) If, without good cause shewn, he fails to attend any examination ordered by the Court ;
- (e) If, after presentation of a bankruptcy petition by or against him, the Official Assignee reports to the Court or the Court is otherwise satisfied that there is probable reason for believing that the assets will not be sufficient to pay a dividend of fifty per centum on the debts or that there is probable reason for believing that the debtor has committed any offence punishable under the provisions of this Enactment :

Provided that no arrest upon a bankruptcy notice shall be valid and protected unless the debtor before or at the time of his arrest is served with such bankruptcy notice.

(ii) No payment or composition made or security given after arrest made under this section shall be exempt from the provisions of this Enactment relating to fraudulent preferences.

(iii) When a debtor is arrested under the provisions of this section he may be released by order of the Court either with or without giving security to the satisfaction of the Court that he will not leave the States without the previous permission in writing of the Official Assignee or of the Court or that he will not remove any

Release of  
debtor on  
security.  
Proceeds of  
security to  
fall into the  
estate of the  
debtor.

of his goods, or conceal or destroy any of his goods or any books, documents, or writings which might be of use to his creditors in the course of his bankruptcy.

(iv) The proceeds of the realization of any security given under this section or under Section 9 on breach by the debtor of any of the conditions of such security shall be deemed to be the property of the debtor and when he is adjudged bankrupt shall vest in the Official Assignee.

**25.** Where a receiving order is made against a debtor the Court on the application of the Official Assignee may from time to time order that, for some time not exceeding three months as the Court thinks fit, telegrams and postal articles addressed to the debtor, at any place or places mentioned in the order, for re-direction shall be re-directed, sent, or delivered by the agent of the telegraph company or by the postal authorities, as the case may be, to the Official Assignee or otherwise as the Court directs and the same shall be done accordingly.

Re-direction  
of debtor's  
letters and  
telegrams.

**26.** (i) The Court may, on the application of the Official Assignee or of any creditor who has proved his debt, at any time after a receiving order has been made against a debtor, summon before it the debtor or any wife of his or any person known or suspected to have in his possession any of the estate or effects belonging to the debtor or supposed to be indebted to the debtor or any person whom the Court may deem capable of giving information respecting the debtor, his dealings or property, and the Court may require any such person to produce any documents in his custody or power relating to the debtor, his dealings or property.

Discovery of  
debtor's  
property.

(ii) If any person so summoned, after having been tendered a reasonable sum, refuses to come before the Court at the time appointed or refuses to produce any such document, having no lawful impediment made known to the Court at the time of its sitting and allowed by it, the Court may by warrant cause him to be apprehended and brought up for examination.

(iii) The Court may examine on oath either by word of mouth or by written interrogatories any person so brought before it concerning the debtor, his dealings or property.

(iv) If, on the examination of any such person, it appears to the Court that he is indebted to the debtor the Court may, on the application of the Official Assignee, order him to pay to the Official Assignee, at such time and in such manner as to the Court seems expedient, the amount in which he is indebted, or any part thereof, either in full discharge of the whole amount in question or not, as the Court thinks fit, with or without costs of the examination.

(v) If, on the examination of any such person, it appears to the Court that he has in his possession any property belonging to the debtor the Court may, on the application of the Official Assignee, order him to deliver to the Official Assignee such property, or any part thereof, at such time and in such manner and on such terms as to the Court seems just.

Official Assignee to settle list of debtors to the estate.

27. (i) The Official Assignee shall, as soon as may be after a receiving order has been made against a debtor, prepare and file in Court a list of persons supposed to be indebted to the debtor with the amounts in which they are supposed to be so indebted set opposite to their names respectively. Before finally settling the name and amount of the debt of any person on such list the Official Assignee shall give notice in writing to such person stating that he has placed such person upon the list of debtors to the estate in the amount in the notice specified and that, unless such person on or before a day in such notice specified gives to the Registrar of the Court notice in writing of his intention to dispute his indebtedness, he will be deemed to admit that the amount set opposite his name in such list is due and owing by him to the debtor and will be settled on such list accordingly.

(ii) A person included in such list who does not give notice of his intention to dispute his indebtedness within the time limited in that behalf shall be settled upon such list and execution may issue against him for the amount set opposite his name in such list in the same way as if judgment had been entered up against him for such amount in favour of the Official Assignee.

(iii) A certificate by the Registrar of the Court that the person named therein has been settled upon such list as a debtor to the estate in the amount in such certificate specified shall be received as proof of the facts therein stated.

(iv) A person settled upon such list in manner aforesaid may apply to the Court in a summary way for leave to dispute his indebtedness or the amount thereof and the Court may, if it thinks fit, make such order for determining the question as may seem expedient upon the terms of such persons giving security for costs and either paying into Court or giving security for the whole or such part of the alleged debt as under the circumstances may seem reasonable and may stay all further proceedings.

#### DISCHARGE OF BANKRUPT.

Discharge of bankrupt.

28. (i) A bankrupt may, at any time after being adjudged bankrupt, apply to the Court for an order of discharge and the Court shall appoint a day for hearing the application but the application shall not be heard until the public examination of the bankrupt is concluded. The application shall be made and heard in open Court. Provided that where the debtor is resident out of the States and is unable for want of means or for any other reason which the Court may consider sufficient to return to the States or where the debtor is a lunatic or suffers from any such mental or physical affliction or disability as in the opinion of the Court makes him unfit to attend his public examination the Court may make an order dispensing with such examination or directing that the debtor be examined on such terms, in such manner, and at such place as to the Court seems expedient.

(ii) On the hearing of the application the Court shall take into consideration a report of the Official Assignee as to the bankrupt's conduct and affairs including a report as to the bankrupt's conduct

during the proceedings under his bankruptcy and may either grant or refuse an absolute order of discharge or suspend the operation of the order for a specified time or grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the bankrupt or with respect to his after-acquired property : provided that the Court shall refuse the discharge in all cases where it is proved to the satisfaction of the Court that the bankrupt has committed any offence under this Enactment or under Sections 421, 422, 423, or 424 of the Penal Code or under any amendment thereof and shall on proof of any of the facts hereinafter in the next following sub-section mentioned either refuse the order or suspend the operation of the order for a specified time or grant an order of discharge subject to such conditions as aforesaid : provided that if, at any time after the expiration of two years from the date of any conditional order made under this section, the bankrupt shall satisfy the Court that there is no reasonable probability of his being in a position to comply with the terms of such order the Court may modify the terms of the order or any subsequent order in such manner and upon such conditions as it may think fit.

(iii) The facts hereinbefore referred to are

- (a) that the bankrupt has omitted to keep such books of account as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy or within such shorter period immediately preceding that event as the Court deems reasonable in the circumstances ;
- (b) that the bankrupt has continued to trade after knowing or having reason to believe himself to be insolvent ;
- (c) that the bankrupt has contracted any debt provable in the bankruptcy without having at the time of contracting it any reasonable ground of expectation (proof whereof shall lie on him) of being able to pay it ;
- (d) that the bankrupt has brought on or contributed to his bankruptcy by rash speculations or extravagance in living or by recklessness or want of reasonable care and attention to his business and affairs ;
- (e) that the bankrupt has delayed or put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action or other legal proceeding properly brought or instituted against him ;
- (f) that the bankrupt has within three months preceding the date of the receiving order when unable to pay his debts as they became due given an undue preference to any of his creditors ;
- (g) that the bankrupt has in the States or elsewhere on any previous occasion been adjudged bankrupt or made a composition or arrangement with his creditors ;
- (h) that the bankrupt has been guilty of any fraud or fraudulent breach of trust ;

(i) that the bankrupt has within three months immediately preceding the date of the receiving order sent goods out of the States under circumstances which afford reasonable grounds for believing that the transaction was not a *bonâ fide* commercial transaction ;

(j) that the bankrupt's assets are not of a value equal to fifty per centum on the amount of his unsecured liabilities unless he satisfies the Court that the fact that the assets are not of a value equal to fifty per centum of his unsecured liabilities has arisen from circumstances for or in respect of which he cannot justly be held blameable.

(iv) For the purposes of this section the report of the Official Assignee shall be *primâ facie* evidence of the statements therein contained.

(v) Notice of the appointment by the Court of the day for hearing the application for discharge shall be published in the prescribed manner and sent, fourteen days at least before the day so appointed, to each creditor who has proved and the Court shall hear the Official Assignee and may also hear any creditor. At the hearing the Court may put such questions to the debtor and receive such evidence as it thinks fit.

(vi) The Court may, as one of the conditions referred to in this section, require the bankrupt to consent to judgment being entered against him by the Official Assignee for any balance or part of the balance of the debts provable under the bankruptcy which is not satisfied at the date of his discharge ; but in such case execution shall not be issued on the judgment without leave of the Court which leave may be given on proof that the bankrupt has since his discharge acquired property or income available for payment of his debts.

(vii) A discharged bankrupt shall, notwithstanding his discharge, give such assistance as the Official Assignee may require in the realization and distribution of such of his property as is vested in the Official Assignee and, if he fails to do so, he shall be guilty of a contempt of Court and the Court may also, if it thinks fit, revoke his discharge but without prejudice to the validity of any sale, disposition, or payment duly made or thing duly done subsequent to the discharge but before its revocation.

(viii) For the purposes of this section the following presumptions shall be made—that is to say :

(a) If, at any time after the expiration of six months from the date of the adjudication, the Official Assignee reports to the Court that the value of the assets which have been realized together with the estimated value of the assets which are realizable is insufficient to pay a dividend of fifty per centum on the debts proved in the bankruptcy it shall be presumed (until the contrary be proved) that the bankrupt has continued to trade after knowing or having reason to believe himself to be insolvent ;

- (b) In determining whether a bankrupt was or knew or had reason to believe himself to be insolvent at any particular date every debt owing to him by any person resident out of the jurisdiction, which debt had been at such date due for more than twelve months, shall be excluded from the computation of the value of the assets and for the purpose of such computation shall be deemed not to be an asset;
- (c) A bankrupt shall be deemed to have continued to trade after knowing or having reason to believe himself to be insolvent if, having continued to trade after he was in fact insolvent, he
  - (1) is unable to satisfy the Court that he had reasonable ground for believing himself to be solvent; or
  - (2) fails without reasonable excuse (proof whereof shall lie on him) to produce a proper balance sheet for each of the three years immediately preceding the bankruptcy, every such balance sheet being made within a reasonable time after the expiration of the year to which it relates and shewing the true state of his affairs at the end of such year;
- (d) Any preference given by the bankrupt to any creditor within the three months immediately preceding the date of the receiving order shall (until the contrary be proved) be deemed to be undue.

**29.** In either of the following cases—that is to say :

Fraudulent settlements.

- (a) In the case of a settlement made before and in consideration of marriage where the settlor is not at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement; or
- (b) In the case of any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife or children of any money or property wherein he had not at the date of his marriage any estate or interest (not being money or property of or in right of his wife);

if the settlor is adjudged bankrupt or compounds or arranges with his creditors and it appears to the Court that such settlement, covenant, or contract was made in order to defeat or delay creditors or was unjustifiable having regard to the state of the settlor's affairs at the time when it was made the Court may refuse or suspend an order of discharge or grant an order subject to conditions or refuse to approve a composition or arrangement, as the case may be, in like manner as in cases where the debtor has been guilty of fraud.

**30.** (i) An order of discharge shall not release the bankrupt from any debt due to the Government of the Federated Malay States or of any one of them or from any debt with which the bankrupt may be chargeable at the suit of the Government of the Federated Malay States or of any one of them or of any person for any offence against any Enactment relating to any branch of the public revenue or at the suit of the Sheriff or other public officer on a bail bond

Effect of order of discharge.

entered into for the appearance of any person prosecuted for any such offence : and he shall not be discharged from such excepted debts unless the Chief Secretary to Government or the Resident of the State, as the case may be, consent in writing to his being discharged therefrom.

(ii) An order of discharge shall not release the bankrupt from any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party or from any debt or liability whereof he has obtained forbearance by any fraud to which he was a party.

(iii) An order of discharge shall release the bankrupt from all other debts provable in bankruptcy.

(iv) An order of discharge shall be conclusive evidence of the bankruptcy and of the validity of the proceedings therein and in any proceedings that may be instituted against a bankrupt who has obtained an order of discharge in respect of any debt from which he is released by the order the bankrupt may plead that the cause of action occurred before his discharge and may give this Enactment and the special matter in evidence.

(v) An order of discharge shall not release any person who, at the date of the receiving order, was a partner or co-trustee with the bankrupt or was jointly bound or had made any joint contract with him or any person who was surety or in the nature of a surety for him.

## PART II.

### DISQUALIFICATIONS AND DISABILITIES OF BANKRUPT.

Disqualifica-  
tions of  
bankrupt.

**31.** (i) Where a debtor is adjudged bankrupt he shall, subject to the provisions of this Enactment, be disqualified for

- (a) being nominated to or sitting or voting in the Federal Council or the State Council of any State ;
- (b) being appointed or acting as a Judicial Commissioner or Magistrate or acting as an Assessor or Arbitrator or in any judicial capacity ;
- (c) holding or exercising the office of member of any Sanitary Board.

(ii) The disqualifications to which a bankrupt is subject under this section shall be removed and cease if and when

- (a) the adjudication of bankruptcy against him is annulled ;  
or
- (b) he obtains from the Court his discharge with a certificate to the effect that his bankruptcy was caused by misfortune without any misconduct on his part.

The Court may grant or withhold such certificate as it thinks fit, but any refusal of such certificate shall be subject to appeal.

Vacating  
offices by  
bankruptcy.

**32.** If a person is adjudged bankrupt whilst holding the office of member of the Federal Council or of any State Council, Judicial Commissioner, Magistrate, or member of a Sanitary Board his office shall thereupon become vacant.



## UNDISCHARGED BANKRUPT.

**33.** (i) Where a bankrupt has not obtained his discharge the following consequences shall ensue : Consequences of refusal of discharge.

(a) The bankrupt shall be incompetent to maintain any action (other than an action for damages in respect of an injury to his person) without the previous sanction of the Official Assignee ;

(b) The bankrupt shall once in every six months render to the Official Assignee an account of all moneys and property which have come to his hands for his own use during the preceding six months and shall pay and make over to the Official Assignee so much of the same moneys and property as shall not have been expended in the necessary expenses of maintenance of himself and his family ;

(c) The bankrupt shall not leave the State without the previous permission of the Official Assignee or of the Court.

(ii) A bankrupt who makes default in performing or observing the provisions of this section shall be deemed guilty of a contempt of Court and shall be punished accordingly on the application of the Official Assignee.

**34.** A list of undischarged bankrupts shall be kept by the Official Assignee and shall be published in the *Gazette* not less than once in each year. List of undischarged bankrupts to be kept.

## PART III.

## ADMINISTRATION OF PROPERTY.

## PROOFS OF DEBTS.

**35.** (i) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise, or breach of trust shall not be provable in bankruptcy. Description of debts provable in bankruptcy.

(ii) A person having notice of any act of bankruptcy available against the debtor shall not prove under the receiving order for any debt or liability contracted by the debtor subsequently to the date of his so having notice.

(iii) Save as aforesaid all debts and liabilities, present or future, certain or contingent, to which the debtor is subject at the date of the receiving order or to which he may become subject before his discharge by reason of any obligation incurred before the date of the receiving order shall be deemed to be debts provable in bankruptcy.

(iv) An estimate shall be made by the Official Assignee of the value of any debt or liability provable as aforesaid which by reason of its being subject to any contingency or contingencies or for any other reason does not bear a certain value.

(v) Any person aggrieved by any estimate made by the Official Assignee as aforesaid may appeal to the Court.

(vi) If in the opinion of the Court the value of the debt or liability is incapable of being fairly estimated the Court may make an order to that effect and thereupon the debt or liability shall for the purposes of this Enactment be deemed to be a debt not provable in bankruptcy.

(vii) If in the opinion of the Court the value of the debt or liability is capable of being fairly estimated the Court may assess the same and may give all necessary directions for this purpose and the amount of the value when assessed shall be deemed to be a debt provable in bankruptcy.

(viii) "Liability" shall for the purposes of this Enactment include any compensation for work or labour done, any obligation or possibility of an obligation to pay money or money's worth on the breach of any express or implied covenant, contract, agreement, or undertaking, whether the breach does or does not occur or is or is not likely to occur or capable of occurring before the discharge of the debtor, and generally it shall include any express or implied engagement, agreement, or undertaking to pay or capable of resulting in the payment of money or money's worth whether the payment is, as respects amount, fixed or unliquidated or, as respects time, present or future, certain or dependent on any one contingency or on two or more contingencies, or, as to mode of valuation, capable of being ascertained by fixed rules or as matter of opinion.

Mutual  
credit and  
set-off.

**36.** Where there have been mutual credits, mutual debts, or other mutual dealings between a debtor against whom a receiving order is made under this Enactment and any other person proving or claiming to prove a debt under such order an account shall be taken of what is due from the one party to the other in respect of such mutual dealings and the sum due from the one party shall be set-off against any sum due from the other party and the balance of the account, and no more, shall be claimed or paid on either side respectively; but a person shall not be entitled under this section to claim the benefit of any set-off against the property of a debtor in any case where he had, at the time of giving credit to the debtor, notice of an act of bankruptcy committed by the debtor and available against him.

Rules as to  
proof of  
debts.

**37.** With respect to the mode of proving debts, the right of proof by secured and other creditors, the admission and rejection of proofs, and the other matters referred to in the third schedule, the rules in that schedule shall be observed.

Priority of  
debts.

**38.** (i) In the distribution of the property of a bankrupt there shall be paid in priority to all other debts

(a) all wages or salary of any clerk or servant in respect of services rendered to the bankrupt during the four months next before the date of the receiving order not exceeding two hundred and fifty dollars for each clerk or servant; and

(b) all wages of any labourer or workman not exceeding two hundred and fifty dollars for each whether payable for time or piece-work in respect of services rendered to the bankrupt during the four months next before the date of the receiving order;

(c) any sum of money due at the date of the receiving order from the bankrupt in respect of rates or taxes for the current year.

(ii) The foregoing debts shall rank equally between themselves and shall be paid in full unless the property of the bankrupt is insufficient to meet them in which case they shall abate in equal proportions between themselves.

(iii) In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate.

(iv) Subject to the provisions of this Enactment all debts proved in the bankruptcy shall be paid *pari passu*.

(v) If there is any surplus after payment of the foregoing debts it shall be applied in payment of interest from the date of the receiving order at the rate of eight per centum per annum on all debts proved in the bankruptcy.

(vi) Where a debt has been proved upon a debtor's estate and such debt includes interest or any pecuniary consideration in lieu of interest such interest or consideration shall for the purposes of dividend be calculated at a rate not exceeding eight per centum per annum without prejudice to the right of a creditor to receive out of the estate any higher rate of interest to which he may be entitled after all the debts proved in the estate have been paid in full.

(vii) Where an interim receiver has been appointed before the making of the receiving order the date of such appointment shall for the purposes of this section be deemed to be the date of the receiving order.

**39.** (i) Where, at the time of the presentation of the bankruptcy petition, any person is apprenticed or is an artied clerk to the bankrupt the adjudication of bankruptcy shall, if either the bankrupt or apprentice or clerk gives notice in writing to the Official Assignee to that effect, be a complete discharge of the indenture of apprenticeship or articles of agreement; and if any money has been paid by or on behalf of the apprentice or clerk to the bankrupt as a fee, the Official Assignee may, on the application of the apprentice or clerk or of some person on his behalf, pay such sum as the Official Assignee subject to an appeal to the Court thinks reasonable out of the bankrupt's property to or for the use of the apprentice or clerk regard being had to the amount paid by him or on his behalf and to the time during which he served with the bankrupt under the indenture or articles before the commencement of the bankruptcy and to the other circumstances of the case; provided that where it appears expedient to the Official Assignee he may on the application of the apprentice or artied clerk or of some person on his behalf instead of acting under

Preferential claim in case of apprenticeship and in respect of passage-money.

the preceding provisions of this section transfer the indenture of apprenticeship or articles of agreement to some other person.

(ii) Where, at the date of the receiving order, any person is in the employment of the bankrupt who came to the States for the purpose of entering into such employment either under any contract to serve the bankrupt for a period of not less than one year, which period has not elapsed three months before the date of such order, or under a contract either absolutely or conditionally that such person shall be provided with a passage to another country on the determination of his employment and such person has not obtained other employment and is desirous of leaving the States the Court may, if it should seem just and expedient under all the circumstances of the case, direct the Official Assignee to provide for such person such passage as he is entitled to under the contract or if he be not so entitled then a suitable passage to the country whence he came for the purpose of entering into such employment or in either case any other not more costly passage which such person may desire.

Power of  
landlord to  
distrain for  
rent.

40. (i) Subject to the provisions of the Civil Procedure Code, 1902, the landlord or other person to whom any rent is due from the bankrupt may at any time either before or after the commencement of the bankruptcy distrain upon the goods or effects of the bankrupt for the rent due to him from the bankrupt with this limitation that if such distress for rent be levied after the commencement of the bankruptcy it shall be available only for three months rent accrued due prior to the date of the order of adjudication but the landlord or other person to whom the rent may be due from the bankrupt may prove under the bankruptcy for the surplus due for which the distress may not have been available.

(ii) For the purpose of this section the term "order of adjudication" shall be deemed to include an order for the administration of the estate of a debtor whose debts do not exceed five hundred dollars or of a deceased person who dies insolvent.

#### PROPERTY AVAILABLE FOR PAYMENT OF DEBTS.

Relation  
back of Assign-  
ee's title.

41. The bankruptcy of a debtor, whether the same takes place on the debtor's own petition or upon that of a creditor, shall be deemed to have relation back to, and to commence at, the time of the act of bankruptcy being committed on which a receiving order is made against him or, if the bankrupt is proved to have committed more acts of bankruptcy than one, to have relation back to, and to commence at, the time of the first of the acts of bankruptcy proved to have been committed by the bankrupt within twelve months next preceding the date of the adjudication; but no bankruptcy petition, receiving order, or adjudication shall be rendered invalid by reason of any act of bankruptcy anterior to the debt of the petitioning creditor.

Description  
of bankrupt's  
property  
divisible  
amongst  
creditors.

42. The property of the bankrupt divisible among his creditors and in this Enactment referred to as the property of the bankrupt shall not comprise the following particulars:

(a) Property held by the bankrupt on trust for any other person;

- (b) The tools (if any) of his trade and the necessary wearing apparel and bedding and other like necessities of himself, his wife (or wives), and children to a value inclusive of tools and apparel and the other things aforesaid not exceeding one hundred dollars in the whole.

But it shall comprise the following particulars :

- (a) All such property as may belong to or be vested in the bankrupt at the commencement of the bankruptcy or may be acquired by or devolve on him before his discharge ; and
- (b) The capacity to exercise and to take proceedings for exercising all such powers in or over or in respect of property as might have been exercised by the bankrupt for his own benefit at the commencement of his bankruptcy or before his discharge ; and
- (c) Subject to the provisions of the law for the time being in force relating to bills of sales all goods being at the commencement of the bankruptcy in the possession, order, or disposition of the bankrupt by the consent and permission of the true owner under such circumstances that the bankrupt is the reputed owner thereof ; provided that things in action other than debts due or growing due to the bankrupt in the course of his trade or business shall not be deemed goods within the meaning of this section.

#### EFFECT OF BANKRUPTCY ON ANTECEDENT TRANSACTIONS.

43. (i) Where a creditor has issued execution against the goods or lands of a debtor or has attached any debt due or property belonging to him he shall not be entitled to retain the benefit of the execution or attachment against the Official Assignee unless he has completed the execution or attachment before the date of the receiving order and before notice of the presentation of any bankruptcy petition by or against the debtor or of the commission of any available act of bankruptcy by the debtor.

*Restriction of rights of creditor under execution or attachment.*

(ii) For the purposes of this Enactment an execution against goods or land is completed by seizure and sale or in the case of any interest in land by the appointment of a receiver ; an attachment of a debt is completed by receipt of the debt ; and an attachment of property is completed by the sale of such property and the satisfaction out of the proceeds of such sale of the judgment in execution of which the attachment was made.

44. (i) Where any property of a debtor is taken in execution and before the sale or realization thereof, or the delivery to the execution creditor of any moneys seized or paid in order to avoid sale, notice is served on the Sheriff that a receiving order has been made against the debtor the Sheriff shall deliver the property or the possession thereof and any such moneys to the Official Assignee but the costs of and incidental to the execution shall be a first charge on such property or moneys and the Official Assignee may sell the property or an adequate part thereof for the purpose of satisfying the charge.

*Duties of Sheriff as to property taken in execution.*

Duty of Sheriff as to money received by him on seizure or subsequently thereto.

(ii) Where an order of execution has been made in respect of a decree for a sum exceeding one hundred dollars the Sheriff shall hold all moneys coming to his hands under such order for fourteen days from the receipt thereof and if, within that time notice is served on him of a bankruptcy petition having been presented against or by the debtor and a receiving order is made against the debtor thereon or on any other petition of which the Sheriff has notice, the Sheriff shall deduct the costs of and incidental to the execution and pay the balance to the Official Assignee who shall be entitled to retain the same as against the execution creditor.

Execution not invalid by reason of seizure being an act of bankruptcy.

(iii) An execution levied on property of a debtor is not invalid by reason of the seizure being an act of bankruptcy and a person who purchases the property in good faith under a sale by the Sheriff shall in all cases acquire a good title to it against the Official Assignee.

(iv) Where the act of bankruptcy upon which a bankruptcy petition is founded is the seizure of any property under a judgment and the debtor has had a receiving order made against him on such petition then the costs of the judgment creditor incurred by him in obtaining such judgment during the thirty days next preceding the taking of the property in execution shall be payable out of the assets of the bankrupt in the same manner and in the same order of priority as the costs of the petitioning creditor.

Avoidance of voluntary settlements.

45. (i) Any settlement of property (not being a settlement made before and in consideration of marriage or a settlement made in favour of a purchaser or incumbrancer in good faith and for valuable consideration or a settlement made on or for the wife or children of the settlor of property which has accrued to the settlor after marriage in right of his wife) shall, if the settlor becomes bankrupt within two years after the date of the settlement, be absolutely void against the Official Assignee and shall, if the settlor becomes bankrupt at any subsequent time within ten years after the date of the settlement, be void against the Official Assignee unless the parties claiming under the settlement can prove that the settlor was at the time of making the settlement able to pay all his debts without the aid of the property comprised in the settlement and that the interest of the settlor in such property had passed to the trustee of such settlement on the execution thereof.

(ii) Any covenant or contract made in consideration of marriage for the future settlement on or for the settlor's wife, wives, or children of any money or property wherein he had not at the date of his marriage any estate or interest, whether vested or contingent, in possession or remainder, and not being money or property of or in right of his wife shall, on his becoming bankrupt before the property or money has been actually transferred or paid pursuant to the contract or covenant, be void against the Official Assignee.

(iii) "Settlement" for the purposes of this section includes any conveyance or transfer of property, bill, bond, note, security for money or covenant for the payment of money, and any gift of money.

(iv) For the purposes of this section a settlor who dies insolvent shall be deemed to have become bankrupt at the date of his death.

(v) This section applies to settlements made either before or after the commencement of this Enactment.

46. (i) Every conveyance or transfer of property or charge thereon made, every payment made, every obligation incurred, and every judicial proceeding taken or suffered, by any person unable to pay his debts as they become due from his own money, in favour of any creditor or any person in trust for any creditor with a view of giving such creditor a preference over the other creditors shall, if the person making, taking, paying, or suffering the same is adjudged bankrupt on a bankruptcy petition presented within three months after the date of making, taking, paying, or suffering the same, be deemed fraudulent and void as against the Official Assignee.

Avoidance of preferences in certain cases.

(ii) This section shall not affect the rights of any person making title in good faith and for valuable consideration through or under a creditor of the bankrupt.

47. Subject to the foregoing provisions of this Enactment, with respect to the effect of bankruptcy on an execution or attachment and with respect to the avoidance of certain settlements and preferences, nothing in this Enactment shall invalidate in the case of a bankruptcy

Protection of *bonâ fide* transactions without notice.

- (a) any payment by the bankrupt to any of his creditors ;
- (b) any payment or delivery to the bankrupt ;
- (c) any conveyance or assignment by the bankrupt for valuable consideration ;
- (d) any contract, dealing, or transaction by or with the bankrupt for valuable consideration :

provided that both the following conditions are complied with—namely :

- (1) the payment, delivery, conveyance, assignment, contract, dealing, or transaction, as the case may be, takes place before the date of the receiving order ; and
- (2) the person (other than the debtor) to, by, or with, whom the payment, delivery, conveyance, assignment, contract, dealing, or transaction was made, executed, or entered into has not at the time of the payment, delivery, conveyance, assignment, contract, dealing, or transaction notice of any available act of bankruptcy committed by the bankrupt before that time.

#### REALIZATION OF PROPERTY.

48. (i) An Official Assignee shall forthwith, after the adjudication, take possession of the deeds, books, and documents of the bankrupt and all other parts of his property capable of manual delivery.

Possession of property by Assignee.

(ii) Such Official Assignee shall in relation to, and for the purpose of acquiring or retaining possession of, the property of the bankrupt be in the same position as if he were a receiver of the property appointed by the Court and the Court may on his application enforce such acquisition or retention accordingly.

(iii) Where any part of the property of the bankrupt consists of stock, shares in ships, shares or any other property transferable in the books of any company, office, or person the Official Assignee may exercise the right to transfer the property to the same extent as the bankrupt might have exercised it if he had not become bankrupt.

(iv) Where any part of the property of the bankrupt consists of things in action such things shall be deemed to have been duly assigned to the Official Assignee.

(v) Any treasurer or other officer or any banker, attorney, or agent of a bankrupt shall pay and deliver to the Official Assignee all money and securities in his possession or power as such officer, banker, attorney, or agent which he is not by law entitled to retain as against the bankrupt or the Official Assignee. If he does not he shall be guilty of a contempt of Court and may be punished accordingly on the application of the Official Assignee.

Seizure of  
property of  
bankrupt.

49. Any person acting under warrant of the Court may seize any part of the property of a bankrupt in the custody or possession of the bankrupt or of any other person and with a view to such seizure may break open any house, building, or room of the bankrupt where the bankrupt is supposed to be or any building or receptacle of the bankrupt where any of his property is supposed to be ; and where the Court is satisfied that there is reason to believe that property of the bankrupt is concealed in a house or place not belonging to him the Court may, if it thinks fit, grant a search warrant to any police officer or officer of the Court who may execute it according to its tenor in the same manner and subject to the same privileges in and subject to which a search warrant for property supposed to be stolen may be executed according to law.

Appropriation  
of portion of pay  
or salary to  
creditors.

50. (i) Where a bankrupt is an officer of His Britannic Majesty's Army or Navy or of the Malay States Guides or an officer or clerk or otherwise employed or engaged in the Civil Service of the Federated Malay States or of any one of them the Official Assignee shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the Court, on the application of the Official Assignee, with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this sub-section the Court shall communicate with the chief officer of the department as to the amount, time, and manner of the payment to the Official Assignee and shall obtain the written consent of such chief officer to the terms of such payment.

(ii) Where a bankrupt is in receipt of a salary or income other than as aforesaid or is entitled to any half-pay or pension or compensation granted by the Government of the Federated Malay States or of any one of them the Court, on the application of the Official Assignee, shall, subject to the provisions of any written law for the time being regulating the grant and payment of pensions, from time to time make such order as it thinks just for the payment of the salary, income, half-pay, pension, or compensation or of any part thereof to the Official Assignee to be applied by him in such manner as the Court may direct.



(iii) Nothing in this section shall take away or abridge any power of such Government to dismiss a bankrupt or to declare the pension, half-pay, or compensation of any bankrupt to be forfeited.

51. The property of the bankrupt shall pass from Official Assignee to Official Assignee and shall vest in the Official Assignee for the time being without any conveyance, assignment, or transfer whatever.

Vesting and transfer of property.

52. (i) Where any part of the property of the bankrupt consists of land (of any tenure) burdened with onerous covenants, of shares or stock in companies, of unprofitable contracts, or of any other property that is unsaleable or not readily saleable by reason of its binding the possessor thereof to the performance of any onerous act or to the payment of any sum of money the Official Assignee, notwithstanding that he has endeavoured to sell or has taken possession of the property or exercised any act of ownership in relation thereto but subject to the provisions of this section, may, by writing signed by him, at any time disclaim the property.

Disclaimer of onerous property.

(ii) The disclaimer shall operate to determine as from the date of disclaimer the rights, interests, and liabilities of the bankrupt and his property in, or in respect of, the property disclaimed and shall also discharge the Official Assignee from all personal liability in respect of the property disclaimed as from the date when the property vested in him but shall not, except so far as is necessary for the purpose of releasing the bankrupt and his property and the Official Assignee from liability, affect the rights or liabilities of any other person.

(iii) The Official Assignee shall not be entitled to disclaim a lease without the leave of the Court except in any cases which may be prescribed by general rules or where all persons interested in the property consent to such disclaimer and the Court may before or on granting such leave require such notices to be given to persons interested and impose such terms as a condition of granting leave and make such orders with respect to fixtures, tenant's improvements, and other matters arising out of the tenancy as the Court thinks just.

(iv) The Official Assignee shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to him by any person interested in the property requiring him to decide whether he will disclaim or not and he has for a period of three days after the receipt of the application, or such extended period as may be allowed by the Court, declined or neglected to give notice whether he disclaims the property or not; and in the case of a contract if the Official Assignee after such application as aforesaid does not within the said period or extended period disclaim the contract he shall be deemed to have adopted it.

(v) The Court may on the application of any person who is as against the Official Assignee entitled to the benefit or subject to the burden of a contract made with the bankrupt make an order rescinding the contract on such terms as to payment by or to either party of damages for the non-performance of the contract or otherwise as to the Court may seem equitable; and any damages

payable under the order to any such person may be proved by him as a debt under the bankruptcy.

(vi) The Court may, on application by any person either claiming any interest in any disclaimed property or under any liability not discharged by this Enactment in respect of any disclaimed property and on hearing such persons as it thinks fit, make an order for the vesting of the property in, or delivery thereof to, any person entitled thereto or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid or a trustee for him and on such terms as the Court thinks just ; and on any such vesting order being made the property comprised therein shall vest accordingly in the person therein named in that behalf without any conveyance or assignment for the purpose :

Provided always that where the property disclaimed is of a leasehold nature the Court shall not make a vesting order in favour of any person claiming under the bankrupt, whether as under-lessee or as mortgagee or chargee by demise, except upon the terms of making such person subject to the same liabilities and obligations as the bankrupt was subject to under the lease in respect of the property at the date when the bankruptcy petition was filed and any mortgagee, chargee or under-lessee declining to accept a vesting order upon such terms shall be excluded from all interest in and security upon the property and, if there shall be no person claiming under the bankrupt who is willing to accept an order upon such terms, the Court shall have power to vest the bankrupt's estate and interest in the property in any person liable, either personally or in a representative character and either alone or jointly with the bankrupt, to perform the lessee's covenants in such lease freed and discharged from all estates, incumbrances, and interests created therein by the bankrupt.

(vii) Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the bankrupt to the extent of the injury and may accordingly prove the same as a debt under the bankruptcy.

Powers of  
Assignee to deal  
with property.

**53.** Subject to the provisions of this Enactment an Official Assignee may do all or any of the following things :

- (a) Sell all or any part of the property of the bankrupt (including the good-will of his business, if any, and the book-debts due or growing due to him) by public auction or private contract with power to transfer the whole thereof to any person or company or to sell the same in parcels ;
- (b) Give receipts for any money received by him which receipts shall effectually discharge the person paying the money from all responsibility in respect of the application thereof ;
- (c) Prove, rank, claim, and draw a dividend in respect of any debt due to the bankrupt ;
- (d) Exercise any powers the capacity to exercise which is vested in an Official Assignee under this Enactment and execute any powers of attorney, deeds, and other instruments for the purpose of carrying into effect the provisions of this Enactment ;

- (c) Deal with any property to which the bankrupt is beneficially entitled in the same manner as the bankrupt might have dealt with it ; and any such dealing with any property to which the bankrupt is before his discharge so entitled shall, although the bankrupt be dead at the time of that dealing, be as valid and have the same operation as though the bankrupt were then alive.

54. An Official Assignee may, subject to any general or special orders of the Court, do all or any of the following things :

Powers exercisable by Assignee subject to orders of Court.

- (a) Carry on the business of the bankrupt so far as may be necessary for the beneficial winding up of the same ;
- (b) Bring, institute, or defend any action or other legal proceeding relating to the property of the bankrupt ;
- (c) Employ, with the permission in writing of the Chief Secretary to Government, a Solicitor or other agent to take any proceedings or do any business ;
- (d) Accept as the consideration for the sale of any property of the bankrupt a sum of money payable at a future time subject to such stipulations as to security and otherwise as he thinks fit ;
- (e) Mortgage, charge, or pledge any part of the property of the bankrupt for the purpose of raising money for the payment of his debts ;
- (f) Refer any dispute to arbitration or compromise all debts, claims, and liabilities, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the bankrupt and any person who may have incurred any liability to the bankrupt, on the receipt of such sums payable at such times and generally on such terms as may be agreed on ;
- (g) Make such compromise or other arrangements as may be thought expedient with creditors or persons claiming to be creditors in respect of any debts provable under the bankruptcy ;
- (h) Make such compromise or other arrangement as may be thought expedient with respect to any claim arising out of or incidental to the property of the bankrupt made or capable of being made on the Official Assignee by any person or by the Official Assignee on any person ;
- (i) Divide in its existing form amongst the creditors according to its estimated value any property which from its peculiar nature or other circumstances cannot be readily or advantageously sold.

#### DISTRIBUTION OF PROPERTY.

55. (i) Subject to the retention of such sums as may be necessary for the costs of administration or otherwise, an Official Assignee shall, with all convenient speed, declare and distribute dividends amongst the creditors who have proved their debts.

Declaration and distribution of dividends.

(ii) The first dividend, if any, shall be declared and distributed within four months after the adjudication unless the Official Assignee satisfies the Court that there is sufficient reason for postponing the declaration to a later date.

(iii) Subsequent dividends shall, in the absence of sufficient reason to the contrary, be declared and distributed at intervals of not more than six months.

(iv) Before declaring a dividend the Official Assignee shall cause notice of his intention to do so to be gazetted and shall also send reasonable notice thereof to each creditor mentioned in the bankrupt's statement who has not proved his debt.

(v) When the Official Assignee has declared a dividend he shall send, to each creditor who has proved, a notice shewing the amount of the dividend and when and how it is payable and a statement in the prescribed form as to the particulars of the estate.

(vi) No dividend shall be paid to any creditor which does not amount to one dollar or over.

Joint and  
separate  
dividends.

**56.** (i) Where one partner of a firm is adjudged bankrupt a creditor to whom the bankrupt is indebted jointly with the other partners of the firm or any of them shall not receive any dividend out of the separate property of the bankrupt until all the separate creditors have received the full amount of their respective debts.

(ii) Where joint and separate properties are being administered dividends of the joint and separate properties shall, subject to any order to the contrary that may be made by the Court on the application of an Official Assignee or any person interested, be declared together; and the expenses of and incident to such dividends shall be fairly apportioned by the Official Assignee between the joint and separate properties regard being had to the work done for, and the benefit received by, each property.

Provision for  
creditors  
residing at a  
distance, etc.

**57.** In the calculation and distribution of a dividend an Official Assignee shall make provision for debts provable in bankruptcy appearing from the bankrupt's statements or otherwise to be due to persons resident in places so distant from the place where such Official Assignee is acting that in the ordinary course of communication they have not had sufficient time to tender their proofs or to establish them if disputed and also for debts provable in bankruptcy the subject of claims not yet determined. He shall also make provision for any disputed proofs or claims and for the expenses necessary for the administration of the estate or otherwise and, subject to the foregoing provisions, he shall distribute as dividend all money in hand.

Right of  
creditor who  
has not  
proved debt  
before declara-  
tion of a  
dividend.

**58.** Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid out of any money for the time being in the hands of an Official Assignee any dividend or dividends which he may have failed to receive before that money is applied to the payment of any future dividend or dividends but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

**59.** When an Official Assignee has realized all the property of the bankrupt, or so much thereof as can in his opinion be realized without needlessly protracting the proceedings in bankruptcy, he shall declare a final dividend; but before so doing he shall give notice, in manner prescribed, to the persons whose claims to be creditors have been notified to him but not established to his satisfaction, that if they do not establish their claims to the satisfaction of the Court within a time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited or, if the Court on application by any such claimant grants him further time for establishing his claim then on the expiration of such further time, the property of the bankrupt shall be divided among the creditors who have proved their debts without regard to the claims of any other persons.

Final  
dividend.

**60.** No action for a dividend shall lie against an Official Assignee but if he refuses to pay any dividend the Court may, if it thinks fit, order him to pay it and also to pay out of his own money interest thereon for the time that it is withheld and the costs of the application.

No action for  
dividend.

**61.** (i) An Official Assignee may appoint the bankrupt himself to superintend the management of the property of the bankrupt or of any part thereof or to carry on the trade (if any) of the bankrupt for the benefit of his creditors and in any other respect to aid in administering the property in such manner and on such terms as an Official Assignee may direct.

Power to  
allow  
bankrupt to  
manage  
property.

(ii) An Official Assignee may from time to time make such allowance as he thinks just to the bankrupt out of his property for the support of the bankrupt and his family or in consideration of his services (if he is engaged in winding up his estate) but the Court may reduce any such allowance and limit the time for which it may be made.

Allowance to  
bankrupt for  
maintenance  
or service.

**62.** The bankrupt shall be entitled to any surplus remaining after payment in full of his creditors with interest as by this Enactment provided and of the costs, charges, and expenses of the proceedings under the bankruptcy petition.

Right of  
bankrupt to  
surplus.

## PART IV.

### OFFICIAL ASSIGNEES.

**63.** (i) The Chief Secretary to Government, with the approval of the High Commissioner, may from time to time appoint such person or persons as he thinks fit, by name or office, to be Official Assignee or Assignees or Assistant Official Assignee or Assignees of debtors' estates and may remove any person so appointed from such office. The Official Assignees and Assistant Official Assignees shall act under the general authority and directions of the Chief Secretary to Government but shall also be officers of the Court.

Appointment  
of Official  
Assignees of  
debtors' estates.

(ii) The number of Official Assignees and Assistant Official Assignees so to be appointed and the districts to be assigned to

them shall be fixed by the High Commissioner. One Assistant Official Assignee only shall be appointed for each State but an Official Assignee may be appointed for more than one State.

(iii) The Chief Secretary to Government may from time to time appoint, by name or office, such other officers either temporary or permanent as he may think necessary for carrying into effect the provisions of this Enactment and may assign to them such duties as he may think fit and may remove any such officer from office.

(iv) An Assistant Official Assignee shall have and may exercise all the powers of an Official Assignee in the State for which he is appointed but shall act in the performance of his duties under the general control and supervision of an Official Assignee.

Status of  
Official  
Assignee.

**64.** (i) The duties of an Official Assignee shall have relation both to the conduct of the debtor and to the administration of his estate.

(ii) An Official Assignee may for the purpose of affidavits, verifying proofs, petitions, or other proceedings under this Enactment administer affirmations.

(iii) Every Official Assignee and Assistant Official Assignee shall be deemed to be a public servant within the meaning of the Penal Code.

Duties of  
Official  
Assignee as  
regards the  
debtor's  
conduct.

**65.** As regards the debtor it shall be the duty of an Official Assignee

- (a) to investigate the conduct of the debtor and to report to the Court stating whether there is reason to believe that the debtor has committed any act which constitutes an offence under this Enactment or under Section 421, Section 422, Section 423, or Section 424 of the Penal Code or which would justify the Court in refusing, suspending, or qualifying an order for his discharge ;
- (b) to make such other reports concerning the conduct of the debtor as the Court may direct or as may be prescribed ;
- (c) to take such part as may be directed by the Court or be prescribed in the public examination of the debtor ;
- (d) if it appears to him in the course of any proceedings in bankruptcy that there is ground for believing that a debtor against whom a receiving order has been made has been guilty of an offence punishable under this Enactment or under Section 421, Section 422, Section 423, or Section 424 of the Penal Code to institute a prosecution against such debtor if he thinks there is reasonable probability that such debtor may be convicted and to take such part and give such assistance in or in relation to such prosecution as the Public Prosecutor may direct.

Duties of  
Official  
Assignee as to  
debtor's estate.

**66.** (i) As regards the estate of a debtor it shall be the duty of an Official Assignee

- (a) to act as receiver of the debtor's estate and to act as manager thereof where a special manager has not been appointed ;

- (b) to raise money or make advances for the purposes of the estate and to authorize the special manager to raise money or make advances for the like purposes in any case where in the interests of the creditors it appears necessary so to do ;
- (c) to summon and preside at all meetings of creditors held under this Enactment ;
- (d) to issue forms of proxy for use at the meetings of creditors ;
- (e) to report to the creditors as to any proposal which the debtor makes with respect to the mode of liquidating his affairs ;
- (f) to advertise the receiving order, the date of the debtor's public examination and such other matters as it may be necessary to advertise.

(ii) For the purpose of his duties as receiver or manager an Official Assignee shall have the same powers as if he were a receiver and manager appointed by the Court but shall as far as practicable consult the wishes of the creditors with respect to the management of the debtor's property and may for that purpose, if he thinks it advisable, summon meetings of the persons claiming to be creditors.

(iii) The Official Assignee shall account to the Court and pay over all moneys and deal with all securities in such manner as subject to the provisions of this Enactment the Court from time to time directs.

**67.** (i) No payment shall be allowed in the accounts of an Official Assignee or of any special manager in respect of the performance by any other person of the ordinary duties which are required by this Enactment or any rules made thereunder to be performed by himself.

Allowance and  
taxation of  
costs.

(ii) All bills and charges of solicitors, managers, accountants, auctioneers, brokers, and other persons shall be taxed by the Registrar and no payments in respect thereof shall be allowed in the accounts of an Official Assignee without leave of the Court given after such taxation has been made.

(iii) Every such person shall on request by the Official Assignee (which request the Official Assignee shall make a sufficient time before declaring a dividend) deliver his bill of costs or charges to the Registrar for taxation and if he fails to do so within seven days after receipt of the request or such further time as the Court on application may grant the Official Assignee shall declare and distribute the dividend without regard to any claim by him and thereupon any such claim shall be forfeited as well against the Official Assignee personally as against the estate.

**68.** (i) An account called the Bankruptcy Estates Account shall be kept with the Federal Treasury in accordance with such rules as the Chief Secretary to Government may from time to time prescribe and all moneys received by the Court in respect of proceedings under this Enactment shall be paid to that account.

Payment of  
money into  
Treasury.

(ii) Every Official Assignee shall, in such manner and at such times as the Court with the concurrence of the Chief Secretary to Government directs, pay the money received by him on account of estates in bankruptcy into Court to the credit of the Bankruptcy Estates Account and the Court shall furnish him with a certificate of receipt of the money so paid.

(iii) If an Official Assignee at any time retains for more than ten days a sum exceeding five hundred dollars or such other amount as the Court in any particular case authorizes him to retain then, unless he explains the retention to the satisfaction of the Court, he shall pay interest on the amount so retained in excess at the rate of twenty per centum per annum and shall be liable to pay any expenses occasioned by reason of his default and submit to such other consequences as may be prescribed.

(iv) All payments out of money standing to the credit of the Bankruptcy Estates Account shall be made in the prescribed manner on the order of the prescribed officer.

Assignee not  
to pay into  
private  
account.

Investment  
of surplus  
funds.

**69.** An Official Assignee shall not pay any sums received by him as Official Assignee into his private banking account.

**70.** (i) Whenever the cash balance standing to the credit of the Bankruptcy Estates Account is in excess of the amount which in the opinion of the Court is required for the time being to answer demands in respect of bankrupts' estates the Court may order such excess to be invested, whereupon the Treasurer under the direction of the Chief Secretary to Government shall invest the said sums or any part thereof in securities in which Court moneys may for the time being be lawfully invested to be placed to the credit of the said account.

(ii) Whenever any part of the money so invested is in the opinion of the Court required to answer any demands in respect of bankrupts' estates the Court shall notify to the Treasurer the amount so required who shall thereupon raise such sum by the sale of such part of the said securities as may be necessary.

(iii) The dividends on the investments under this section shall be paid to such account as the Chief Secretary to Government may direct and regard shall be had to the amount thus derived in fixing the fees payable in respect of bankruptcy proceedings.

Inspection  
and audit  
of Assignee's  
accounts.

**71.** (i) Every Official Assignee shall keep in the prescribed form an account of his receipts and payments as such Official Assignee and shall permit inspection thereof by the bankrupt or by any creditor who has proved his debt or by any other person interested subject to payment of the prescribed fee.

(ii) All such accounts shall be audited not less than twice in each year by such officer as the Chief Secretary to Government may from time to time appoint in that behalf and for the purposes of such audit the Official Assignee shall produce to the auditing officer such books and shall furnish him with such vouchers and information as he may require.



**72.** An Official Assignee shall, whenever required by any creditor to do and on payment by such creditor of the prescribed fee, furnish and transmit to such creditor a list of the creditors shewing in such list the amount of the debt due to each of such creditors.

Assignee to furnish list of creditors.

**73.** Every Official Assignee shall keep in manner prescribed proper books in which he shall from time to time cause to be made entries or minutes of proceedings at meetings and of such other matters as may be prescribed and any creditor of the bankrupt may, subject to the control of the Court, personally or by his agent, inspect any such books.

Books to be kept by Assignee.

**74. (i)** Every Official Assignee shall, on the demand of any officer authorized by the Chief Secretary to Government in that behalf in writing, produce for the inspection of such officer all records and documents in his possession relating to any bankruptcy, and such officer may examine the same and report thereon to the Chief Secretary to Government.

Official examination of Assignee's records.

**(ii)** The Chief Secretary to Government shall call the Official Assignee to account for any misfeasance, neglect, or omission which may be disclosed by any examination made under sub-section (i), and may require the Official Assignee to make good any loss which the estate of any bankrupt may have sustained by reason of such misfeasance, neglect, or omission.

**75. (i)** When an Official Assignee has realized all the property of the bankrupt or so much thereof as can in his opinion be realized without needlessly protracting the proceedings in bankruptcy and distributed a final dividend, if any, or has ceased to act by reason of a composition having been approved or has resigned or has vacated or been removed from his office the Court shall on his application cause a report on his accounts to be prepared and on his complying with all the requirements of the Court shall take into consideration the report and any objection which may be urged by any creditor or person interested against the release of the Official Assignee and shall either grant or withhold the release accordingly.

Release of Assignee.

**(ii)** Where the release of an Official Assignee is withheld the Court may on the application of any creditor or person interested make such order as it thinks just charging the Official Assignee with the consequences of any act or default which he may have done or made contrary to his duty.

**(iii)** An order of the Court releasing an Official Assignee shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the bankrupt or otherwise in relation to his conduct as Official Assignee but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

**76.** An Official Assignee may sue and be sued by the official name of "the Official Assignee of the property of . . . . . a bankrupt" inserting the name of the bankrupt and by that name may hold property of every description, make contracts, sue and be sued, enter into any engagements binding on himself and his successors

Official name of Assignee.

in office and do all other acts necessary or expedient to be done in the execution of his office.

Office of  
Assignee  
vacated by  
insolvency.

**77.** If a receiving order is made against an Official Assignee or Assistant Official Assignee he shall thereby vacate the office of Official Assignee or Assistant Official Assignee.

Discretionary  
powers of  
Assignee and  
control  
thereof.

**78.** (i) Subject to the provisions of this Enactment an Official Assignee shall in the administration of the property of the bankrupt have regard to any directions that may be given by resolution of the creditors at any general meeting and to any advice given by the consultative committee but so that any directions so given by the creditors at any general meeting shall in case of conflict over-ride any advice given by the consultative committee.

(ii) An Official Assignee may from time to time summon general meetings of the creditors for the purpose of ascertaining their wishes and it shall be his duty to summon meetings at such times as the Court may direct or whenever requested in writing so to do by one-fourth in value of the creditors or by the consultative committee.

(iii) An Official Assignee may apply to the Court in manner prescribed for directions in relation to any particular matter arising under the bankruptcy.

(iv) Subject to the provisions of this Enactment an Official Assignee shall use his own discretion in the administration of the property of the bankrupt.

Appeal to  
Court against  
Assignee.

**79.** If the bankrupt or any of the creditors or any other person is aggrieved by any act or decision of an Official Assignee he may apply to the Court and the Court may confirm, reverse, or modify the act or decision complained of and make such order in the premises as it thinks just.

Control of  
Court over  
Assignee.

**80.** (i) The Court shall take cognizance of the conduct of Official Assignees and in the event of any Official Assignee not faithfully performing his duties and duly observing all the requirements imposed on him by any written law or otherwise with respect to the performance of his duties or in the event of any complaint being made to the Court by any creditor in regard thereto the Court shall enquire into the matter and take such action thereon as may be deemed expedient.

(ii) The Court may at any time require any Official Assignee to answer any enquiry made by it in relation to any bankruptcy in which he is engaged and may examine on oath such Official Assignee or any other person concerning the bankruptcy.

(iii) The Court may also direct a local investigation to be made of the books and vouchers of any Official Assignee.

## PART V.

### CONSTITUTION, PROCEDURE, AND POWERS OF COURT.

Supreme  
Court  
to have  
jurisdiction in  
bankruptcy.

**81.** (i) The Supreme Court in each State shall have jurisdiction in bankruptcy under this Enactment.

(ii) The petition shall be presented to a Court of a Judicial Commissioner in any State in which the debtor has resided or

carried on business during the six months immediately preceding the presentation of the petition.

(iii) Nothing in this section shall invalidate a proceeding by reason of its being taken in a wrong Court of a Judicial Commissioner.

(iv) Any proceedings in bankruptcy may at any time and at any stage thereof, either with or without the application of any of the parties thereto, be transferred by a Judicial Commissioner from one Court to another Court or may be retained in the Court in which the proceedings were commenced although it may not be the Court in which the proceedings ought to have been commenced.

**82.** Subject to the provisions of this Enactment and to general rules any Judicial Commissioner exercising jurisdiction in bankruptcy may exercise in chambers any jurisdiction conferred by this Enactment on a Court of a Judicial Commissioner.

*Exercise in chambers of jurisdiction.*

**83.** (i) Registrars shall have the powers and jurisdiction in this section mentioned and any order made or act done by a Registrar in the exercise of the said powers and jurisdiction shall, subject to an appeal to a Court of a Judicial Commissioner, be deemed the order or act of the Court.

*Jurisdiction in bankruptcy of Registrar.*

(ii) Subject to general rules limiting the powers conferred by this section a Registrar shall have power

- (a) to make interim orders in any case of urgency where a Judicial Commissioner cannot be found in the State ;
- (b) to hear and determine any unopposed or *ex parte* application which is not required to be made in open Court ;
- (c) when a Judicial Commissioner cannot be found in the State to summon and examine any person known or suspected to have in his possession effects of the debtor or to be indebted to him or capable of giving information respecting the debtor, his dealings, or property.

**84.** (i) Subject to the provisions of this Enactment, a Court of a Judicial Commissioner under its jurisdiction in bankruptcy shall have full power to decide all questions of priorities and all other questions whatsoever whether of law or fact which may arise in any case of bankruptcy coming within the cognizance of the Court or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

*General power of the Court in bankruptcy.*

(ii) Where default is made by a debtor or other person in obeying any order or direction given by the Court or given by an Official Assignee or any other officer of the Court under any power conferred by this Enactment, the Court may, on the application of the Official Assignee or other duly authorized person or of its own motion, order such defaulting debtor or person to comply with the order or direction so given and may also, if it shall think fit, make an immediate order for the committal of such defaulting debtor or other person : provided that the power given by this sub-section shall be deemed to be in addition to, and not in substitution for, any other right or remedy in respect of such default.

Appeals in  
bankruptcy.

**85.** (i) The Court of Appeal may review, rescind, or vary any order made by a Court of a Judicial Commissioner under its bankruptcy jurisdiction.

(ii) Orders in bankruptcy matters shall at the instance of any person aggrieved be subject to appeal in the same way as orders of a Court of a Judicial Commissioner in other matters are for the time being appealable.

(iii) For the purposes of this section an Official Assignee shall be deemed to be aggrieved by the refusal of any application made by him to the Court.

Discretionary  
powers of the  
Court.

**86.** (i) Subject to the provisions of this Enactment and to general rules the costs of and incidental to any proceeding in Court under this Enactment shall be in the discretion of the Court.

(ii) The Court may at any time adjourn any proceedings before it upon such terms, if any, as it may think fit to impose.

(iii) The Court may at any time amend any written process or proceeding under this Enactment upon such terms, if any, as it may think fit to impose.

(iv) Where by this Enactment or by general rules the time for doing any act or thing is limited the Court may extend the time either before or after the expiration thereof upon such terms, if any, as the Court may think fit to impose.

(v) Subject to general rules the Court may in any matter take the whole or any part of the evidence either *virâ voce* or by interrogatories or upon affidavit or by commission.

(vi) For the purpose of approving a composition or scheme by joint debtors the Court may, if it thinks fit, and on the report of an Official Assignee that it is expedient so to do, dispense with the public examination of one of such joint debtors if he is unavoidably prevented from attending the examination by illness or absence from the States.

Consolidation  
of petitions.

**87.** Where two or more bankruptcy petitions are presented against the same debtor, or against joint debtors, the Court may consolidate the proceedings or any of them on such terms as the Court thinks fit.

Power to change  
carriage of  
proceedings.

**88.** Where the petitioner does not proceed with due diligence on his petition the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Enactment in the case of the petitioning creditor or may give the carriage of the proceedings to an Official Assignee and thereafter the proceedings shall, unless the Court otherwise orders, be continued as though no change had been made in the conduct of the proceedings.

Continuance  
of proceedings  
on death of  
debtor.

**89.** If a debtor by or against whom a bankruptcy petition has been presented dies the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive and the Court may dispense with service of the petition upon him.

**90.** The Court may at any time for sufficient reason make an order staying the proceedings under a bankruptcy petition either altogether or for a limited time on such terms and subject to such conditions as the Court thinks just.

Power to stay proceedings.

**91.** Any creditor whose debt is sufficient to entitle him to present a bankruptcy petition against all the partners of a firm may present a petition against any one or more partners of the firm without including the others.

Power to present petition against one partner.

**92.** Where there are more respondents than one to a petition the Court may dismiss the petition as to one or more of them without prejudice to the effect of the petition as against the other or others of them.

Power to dismiss petition against some respondents only.

**93.** Where a receiving order has been made on a bankruptcy petition against or by one member of a partnership any other bankruptcy petition against or by a member of the same partnership shall be filed in or transferred to the Court in which the first-mentioned petition is in course of prosecution and the Court shall give such directions for consolidating the proceedings under the petitions as it thinks just.

Property of partners to be vested in same Assignee.

**94.** Where a member of a partnership is adjudged bankrupt the Court may authorize the Official Assignee to commence and prosecute any action or other legal proceedings in the names of the Official Assignee and of the bankrupt's partner or partners ; and any release by any such partner of the debt or demand to which the action or proceeding relates shall be void ; but notice of the application for authority to commence the action or proceeding shall be given to him and he may shew cause against it and on his application the Court may, if it thinks fit, direct that he shall receive his proper share of the proceeds of the action or proceeding and if he does not claim any benefit therefrom he shall be indemnified against costs in respect hereof as the Court directs.

Action by Assignee and bankrupt's partners.

**95.** (i) Any two or more persons being partners or any person carrying on business under a partnership name may take proceedings or be proceeded against under this Enactment in the name of the firm ; but in such case the Court may on application by any person interested order the names of the persons who are partners in such firm or the name of such person to be disclosed in such manner and verified on affirmation or otherwise as the Court may direct.

Proceedings in partnership name.

(ii) Where a bankrupt is a contractor in respect of any contract jointly with any other person such person may sue or be sued in respect of the contract without the joinder of the bankrupt.

Actions on joint contracts.

**96.** The Court and the officers thereof shall in all matters of bankruptcy act in aid of and be auxiliary to the Courts of the Colony having jurisdiction in bankruptcy ; and an order of the Supreme Court of the Colony with a request from such Court for aid in any bankruptcy matter shall be sufficient to enable a Court of a Judicial Commissioner to exercise in respect of the matters directed by such order and specified in such request such jurisdiction as either the Supreme Court of the Colony or a Court of a Judicial Com-

Action in aid of Courts of the Colony.

missioner could exercise in respect of similar matters within their several jurisdictions.

Power to  
annul adjudi-  
cation in  
certain cases.

97. (i) Where in the opinion of the Court a debtor ought not to have been adjudged bankrupt or where it is proved to the satisfaction of the Court that the debts of the bankrupt are paid in full or where it appears to the Court that proceedings are pending in the Colony or in some other part of His Britannic Majesty's dominions for the distribution of the bankrupt's estate and effects among his creditors under the bankruptcy or insolvency laws of that part of His Britannic Majesty's dominions and that the distribution ought to take place in that part of His Britannic Majesty's dominions the Court may annul the adjudication.

(ii) Where an adjudication is annulled under this section all sales and dispositions of property and payments duly made and all acts theretofore done by an Official Assignee or other person acting under his authority or by the Court shall be valid but the property of the debtor who was adjudged bankrupt shall vest in such person as the Court appoints or in default of any such appointment revert to the debtor for all his estate or interest therein on such terms and subject to such conditions (if any) as the Court may declare by order.

(iii) Notice of the order annulling an adjudication shall be forthwith gazetted and published in at least one newspaper issued in the States.

(iv) For the purposes of this section any debt disputed by a debtor shall be considered as paid in full if the debtor enters into a bond in such sum and with such sureties as the Court approves to pay the amount to be recovered in any proceeding for the recovery of or concerning the debt with costs and any debt due to a creditor who cannot be found or cannot be identified shall be considered as paid in full if paid into Court.

Meaning of  
"paid in full"  
in this section.

## PART VI.

### SMALL BANKRUPTCIES.

98. When a petition is presented by or against a debtor if the Court is satisfied by affidavit or otherwise or an Official Assignee reports to the Court that the property of the debtor is not likely to exceed in value three thousand dollars the Court may make an order that the debtor's estate be administered in a summary manner and thereupon the provisions of this Enactment shall be subject to the following modifications :

- (a) No appeal shall lie from any order of the Court except by order of the Court ;
- (b) The estate where practicable shall be distributed in a single dividend ;
- (c) Such other modifications may be made in the provisions of this Enactment as may be prescribed by general rules with the view of saving expense and simplifying procedure ; but nothing in this section shall permit the modification of the provisions of this Enactment relating to the examination or discharge of the debtor.

Summary  
administration  
in small cases.

**99.** (i) Where a decree has been obtained in a Court of a Judicial Commissioner or in a Court of a Magistrate of the First Class and the debtor is unable to pay the amount forthwith, if the debtor alleges that his whole indebtedness amounts to a sum not exceeding two hundred dollars inclusive of the debt for which the judgment is obtained the Court in which the decree has been obtained and, if the debtor alleges that his whole indebtedness exceeds two hundred dollars but does not exceed five hundred dollars, then the Court of a Judicial Commissioner may make an order providing for the administration of his estate and for the payment of his debts by instalments or otherwise and either in full or to such extent as to such Court under the circumstances of the case appears practicable and subject to any conditions as to his future earnings or income which such Court may think just.

Power to make administration order instead of order for payment by instalments.

(ii) The order shall not be invalid by reason only that the total amount of the debt is found at any time to exceed two hundred dollars or to exceed five hundred dollars, as the case may be, but in such case such Court may, if it thinks fit, set aside the order.

(iii) When the order is made the proceedings shall be transmitted to an Official Assignee who shall carry the order into effect in such manner as may be prescribed by general rules.

## PART VII.

### FRAUDULENT DEBTORS AND CREDITORS.

**100.** "The Court" in this Part means the Court before which an accused person is tried.

Meaning of "The Court in this Part."

**101.** (i) Any person against whom a receiving order has been made under this Enactment shall in each of the cases following be punished with imprisonment which may extend to two years or with fine or with both—that is to say,

Punishment of fraudulent debtors.

- (a) if he does not to the best of his knowledge and belief fully and truly discover to the Official Assignee all his property and how and to whom and for what consideration and when he disposed of any part thereof except such part as has been disposed of in the ordinary way of his trade (if any) or laid out in the ordinary expenses of his family, unless he satisfies the Court that he had no intent to defraud ;
- (b) if he does not deliver up to the Official Assignee or as the Official Assignee directs all such part of his property as is in his custody or under his control and which he is required by law to deliver up unless he satisfies the Court that he had no intent to defraud ;
- (c) if he does not deliver up to the Official Assignee or as the Official Assignee directs all books, documents, papers, and writings in his custody or under his control relating to his property or affairs unless he satisfies the Court that he had no intent to defraud ;

- (d) if, after the presentation of a bankruptcy petition by or against him or the service of a debtor's summons upon him or within four months next before such presentation or service, he conceals any part of his property to the value of twenty-five dollars or upwards or conceals any debt due to or from him, unless he satisfies the Court that he had no intent to defraud ;
- (e) if, after the presentation of a bankruptcy petition by or against him or the service of a debtor's summons upon him or within four months next before such presentation or service, he fraudulently removes any part of his property of the value of twenty-five dollars or upwards ;
- (f) if he makes any material omission in any statement relating to his affairs unless he satisfies the Court that he had no intent to defraud ;
- (g) if, knowing or believing or having reason to believe that a false debt has been proved by any person under the bankruptcy, he fails for the period of one month to inform the Official Assignee thereof ;
- (h) if, after the presentation of a bankruptcy petition by or against him, he prevents the production of any book, document, paper, or writing affecting or relating to his property or affairs unless he satisfies the Court that he had no intent to conceal the state of his affairs or to defeat the law ;
- (i) if, after the presentation of a bankruptcy petition by or against him or the service of a debtor's summons upon him or within four months next before such presentation or service, he conceals, destroys, mutilates, or falsifies or is privy to the concealment, destruction, mutilation, or falsification of any book or document affecting or relating to his property or affairs unless he satisfies the Court that he had no intent to conceal the state of his affairs or to defeat the law ;
- (j) if, after the presentation of a bankruptcy petition by or against him or the service of a debtor's summons upon him or within four months next before such presentation or service, he makes or is privy to the making of any false entry in any book or document affecting or relating to his property or affairs unless he satisfies the Court that he had no intent to conceal the state of his affairs or to defeat the law ;
- (k) if, after the presentation of a bankruptcy petition by or against him or the service of a debtor's summons upon him or within four months next before such presentation or service, he fraudulently parts with, alters, or makes any omission in, or is privy to the fraudulently parting with, altering, or making any omission in, any document affecting or relating to his property or affairs ;



- (l) if, after the presentation of a bankruptcy petition by or against him or at any meeting of his creditors within four months next before the presentation thereof, he attempts to account for any part of his property by fictitious losses or expenses ;
- (m) if, while undischarged, he obtains credit to the extent of one hundred dollars or upwards from any person without informing that person that he is an undischarged bankrupt ;
- (n) if, within four months next before the presentation of a bankruptcy petition by or against him or the service of a debtor's summons upon him, he by any false representation or other fraud has obtained any property on credit and has not paid for the same ;
- (o) if, within four months next before the presentation of a bankruptcy petition by or against him or the service of a debtor's summons upon him, he, being a trader, obtains under the false pretence of carrying on business and dealing in the ordinary way of his trade any property on credit and has not paid for the same unless he satisfies the Court that he had no intent to defraud ;
- (p) if, within four months next before the presentation of a bankruptcy petition by or against him or the service of a debtor's summons upon him, he, being a trader, pawns, pledges, or sends out of the States in unusual quantities or to unusual quarters or disposes of otherwise than in the ordinary way of his trade any property which he has obtained on credit and has not paid for unless he satisfies the Court that he had no intent to defraud ;
- (q) if he is guilty of any false representation or other fraud for the purpose of obtaining the consent of his creditors or any of them to any agreement with reference to his affairs or his bankruptcy.

(ii) A person who has sent out of the States any property which he has obtained on credit and not paid for shall until the contrary be proved be deemed to have disposed of the same otherwise than in the ordinary way of his trade if such property not having been paid or accounted for at the date of the receiving order by the person to whom the same was sent such last-mentioned person cannot be found or does not pay or account for the same within a reasonable time after being called upon so to do by the Official Assignee.

102. (i) If, after the presentation of a bankruptcy petition by or against him or the service of a debtor's summons upon him or within four months next before such presentation or service, any person against whom a receiving order is made under this Enactment quits the States and takes with him or attempts or makes preparation to quit the States and to take with him any part of his property to the amount of fifty dollars or upwards which ought by law to be divided amongst his creditors he shall (unless he satisfies the Court that he had no intent to defraud) be punished with imprisonment which may extend to two years or with fine or with both.

Penalty for  
absconding  
with property.

(ii) A person who quits or attempts or makes preparation to quit the State in which he resides or carries on business shall until the contrary be proved be deemed to quit or attempt or make preparation to quit the States.

Penalty for absconding in order to avoid service of bankruptcy process or embarrass bankruptcy proceedings.

**103.** (i) If any person against whom a receiving order is made under this Enactment quits or before the making of such order has quitted the States with intent to avoid service of any petition or other process in bankruptcy or to avoid examination in respect of his affairs or otherwise to defeat, embarrass, or delay any proceedings against him in bankruptcy he shall be punished with imprisonment which may extend to one year or with fine not exceeding five hundred dollars or with both.

(ii) A person who, after the presentation of a bankruptcy petition by or against him or the service of a debtor's summons upon him or within three months next before such presentation or service, quits the States shall (until the contrary be proved) be deemed to quit the States with such intent as in this section is mentioned.

Penalty on fraudulently obtaining credit, etc.

**104.** (i) Any person shall in each of the cases following be punished with imprisonment which may extend to one year or with fine or with both—that is to say :

- (a) If in incurring any debt or liability he has obtained credit under false pretences or by means of any other fraud ;
- (b) If he has, with intent to defraud his creditors, or any of them, made or caused to be made any gift, delivery, or transfer of or any charge on his property ;
- (c) If he has, with intent to defraud his creditors or any of them, concealed or removed any part of his property since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against him.

(ii) A person who having an unsatisfied judgment for a sum exceeding two hundred and fifty dollars entered up against him obtains credit shall until the contrary be proved be deemed to have obtained such credit under false pretences or by means of fraud.

Penalty on false claim, etc.

**105.** (i) If any creditor in any bankruptcy, composition or arrangement with creditors makes any claim, proof, declaration, or statement of account which is untrue in any material particular he shall (unless he satisfies the Court that he had no intent to defraud) be punished with imprisonment of either description which may extend to one year or with fine or with both.

(ii) If a creditor obtains or receives any money or property or security from any person as an inducement for forbearing to oppose or for consenting to the discharge of a bankrupt he shall be punished with a fine which may extend to three times the amount or value of such money, property, or security.

(iii) If any person, knowing that a receiving order has been made against a debtor, removes, conceals, receives, or otherwise deals with or disposes of any part of the property of such debtor with intent to defeat the order he shall be punished with a fine which

may extend to double the amount or value of such property or imprisonment of either description which may extend to three years or with both.

(iv) Fines imposed and levied under this section shall be deemed part of the property of the debtor and shall vest in the Official Assignee.

**106.** Where a debtor makes any composition or arrangement with his creditors he shall remain liable for the unpaid balance of any debt which he incurred or increased by any fraud or whereof before the date of the composition or arrangement he obtained forbearance by any fraud : provided that the defrauded creditor has not assented to the composition or arrangement otherwise than by proving his debt and accepting dividends.

Debts incurred by fraud.

**107.** At any time after the public examination of the debtor a Judicial Commissioner may, if he thinks fit, order the bankrupt to undergo imprisonment of either description for any term not exceeding three months if it appears to him that the bankrupt,

Omission to keep books : debts, speculation, and extravagance, etc., how punished.

- (a) having been engaged in trading or other business has not kept such books of account as sufficiently disclose his business transactions and financial position within the three years immediately preceding his bankruptcy or within such shorter period immediately preceding that event as the Judicial Commissioner deems reasonable under the circumstances ; or
- (b) having been engaged in trading or other business has not produced such books as in the preceding paragraph mentioned when called upon by the Official Assignee to do so ; or
- (c) has contracted any debt provable in bankruptcy without having any reasonable ground or expectation of being able to pay it ; or
- (d) has brought on or contributed to his bankruptcy by rash speculations or extravagance in living.

**108.** Where a debtor has been guilty of any offence he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition or scheme of arrangement has been accepted or approved.

Criminal liability after discharge or composition.

**109.** No prosecution for any offence punishable under this Enactment shall unless by order of a Judicial Commissioner be commenced without the sanction in writing of the Public Prosecutor or of an Official Assignee.

Consent of Public Prosecutor or Assignee necessary for prosecution.

**110.** In a charge of an offence under this Enactment it shall be sufficient to set forth the substance of the offence charged in the words of this Enactment specifying the offence or as near thereto as circumstances admit without alleging or setting forth any debt, act of bankruptcy, adjudication, or any proceedings in, or order, warrant, or document of, any Court acting under this Enactment.

Form of charge.

## PART VIII.

## SUPPLEMENTARY PROVISIONS.

Application  
to married  
women.

**111.** A married woman shall in respect of her separate property (if any) be subject to this Enactment in the same way as if she were unmarried.

Order for  
administration  
in bankruptcy  
of estate of  
deceased  
person.

**112.** (i) Any creditor of a deceased debtor whose debt would have been sufficient to support a bankruptcy petition against the debtor had he been alive may present to the Court a petition in the prescribed form praying for an order for the administration of the estate of the deceased debtor according to the law of bankruptcy.

(ii) Upon the prescribed notice being given to the legal representative, if any, of the deceased debtor the Court may, in the prescribed manner, upon proof of the petitioner's debt, unless the Court is satisfied that there is a reasonable probability that the estate will be sufficient for the payment of the debts owing by the deceased, make an order for the administration in bankruptcy of the deceased debtor's estate or may upon cause shewn dismiss the petition with or without costs.

(iii) An order of administration under this section shall not be made until the expiration of two months from the date of the grant of probate or letters of administration unless with the concurrence of the legal representative of the deceased debtor or unless the petitioner proves to the satisfaction of the Court that the debtor committed an act of bankruptcy within three months prior to his decease.

(iv) A petition for administration under this section shall not be presented to the Court after proceedings have been commenced for the administration of the deceased debtor's estate ; but the Court may in that case on the application of any creditor and on proof that the estate is insufficient to pay its debts make an order for the administration of the estate of the deceased debtor in bankruptcy and the like consequences shall ensue as under an administration order made on the petition of a creditor.

(v) In this section "the Court" means a Court of a Judicial Commissioner in any State in which the debtor resided or carried on business within the six months immediately prior to his decease ; and "creditor" means one or more creditors qualified to present a bankruptcy petition as in this Enactment provided.

Effect of such  
order.

**113.** (i) Upon an order being made for the administration of a deceased debtor's estate under the last preceding section the property of the debtor shall vest in the Official Assignee as trustee thereof and he shall forthwith proceed to realize and distribute the same in accordance with the provisions of this Enactment.

(ii) The provisions of Section 26 shall so far as they relate to persons other than the debtor and, with the modifications herein-after mentioned, all the provisions of Part III of this Enactment shall so far as the same are applicable apply to the case of an administration order under the last preceding section. Sections 43, 44, and 45 shall apply in the case of an administration order under

the last preceding section as if the administration order were a receiving order made under Section 5.

(iii) In the administration of the property of the deceased debtor under an order of administration the Official Assignee shall have regard to any claims by the legal representative of the deceased debtor to payment of the proper funeral and testamentary expenses incurred by him in and about the debtor's estate ; and those claims shall be deemed a preferential debt under the order and be payable in full out of the debtor's estate in priority to all other debts.

(iv) If, on the administration of a deceased debtor's estate, any surplus remains in the hands of the Official Assignee after payment in full of all the debts due from the debtor together with the costs of the administration and interest as provided by this Enactment in case of bankruptcy the surplus shall be paid over to the legal representative of the deceased debtor's estate or dealt with in such other manner as the Court may direct.

(v) Notice to the legal representative of a deceased debtor of the presentation by a creditor of a petition under the last preceding section shall in the event of an order for administration being made thereon be deemed to be equivalent to notice of an act of bankruptcy and after the notice no payment or transfer of property made by the legal representative shall operate as a discharge to him as between himself and the Official Assignee.

(vi) Save as aforesaid nothing in this or in the last preceding section shall invalidate any payment made or act or thing done in good faith by the legal representative before the date of the order for administration.

**114.** (i) The Judicial Commissioners, or any two of them, of whom the Chief Judicial Commissioner shall be one, may from time to time, with the approval of the High Commissioner, make general rules for carrying into effect the objects of this Enactment.

Power to make  
general rules.

(ii) General rules for carrying into effect the provisions of Sections 112 and 113 may be made in the same manner and to the like effect and extent as in bankruptcy.

(iii) All general rules made under this section shall be laid before the Federal Council at the first meeting of the Council after they are made and shall be judicially noticed and shall have effect as if enacted by this Enactment.

(iv) After the commencement of this Enactment no general rule under the provisions of this section shall come into operation until the expiration of one month after the same has been made and issued.

**115.** The Chief Secretary to Government may from time to time make rules prescribing the fees and percentages to be charged for or in respect of proceedings under this Enactment and may direct by whom and in what manner the same are to be collected and accounted for and to what account they shall be paid. A table of such fees and percentages shall be laid before the Federal Council at the first meeting of the Council after the making of the same.

*Gazette* to be evidence.

**116.** (i) A copy of the *Gazette* containing any notice inserted therein in pursuance of this Enactment or the rules made under this Enactment shall be evidence of the facts stated in the notice.

(ii) The production of a copy of the *Gazette* containing any notice of a receiving order or of an order adjudging a debtor bankrupt shall be conclusive proof in all legal proceedings of the order having been duly made and of its date.

Evidence of proceedings at meetings of creditors.

**117.** (i) A minute of proceedings at a meeting of creditors under this Enactment signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, Chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(ii) Until the contrary is proved every meeting of creditors in respect of the proceedings whereof a minute has been so signed shall be deemed to have been duly convened and held and all resolutions passed or proceedings had thereat to have been duly passed or had.

Evidence of proceedings in bankruptcy.

**118.** Any petition or copy of a petition in bankruptcy, any order or certificate or copy of an order or certificate made by the Court in bankruptcy, any instrument, affidavit or document or copy of an instrument, affidavit or document made or used in the course of any bankruptcy proceedings or other proceedings had under this Enactment shall, if it appears to be sealed with the seal of the Court or purports to be signed by a Judicial Commissioner or is certified as a true copy by a Registrar, be receivable in evidence in all legal proceedings whatever.

Requirements as to affidavits.

**119.** Subject to general rules any affidavit may be used in a Court of a Judicial Commissioner sitting in bankruptcy if it is affirmed or sworn

- (a) in the States before a Judicial Commissioner or a Magistrate or a Registrar ;
- (b) in the Colony before any person authorized to administer oaths in the Supreme Court or any District Judge or Magistrate ;
- (c) in England before any person authorized to administer oaths in His Britannic Majesty's High Court of Justice or before any Registrar of a Bankruptcy Court or before any officer of a Bankruptcy Court authorized in writing in that behalf by the Judge of the Court ;
- (d) in Scotland or in Ireland before any Judge Ordinary, Magistrate, or Justice of the Peace ; and
- (e) in any other place before a Magistrate or Justice of the Peace or other person qualified to administer oaths or affirmations in that place (he being certified to be a Magistrate or Justice of the Peace or qualified as aforesaid by a British Minister or British Consul or by a Notary Public).

Death of witness.

**120.** In case of the death of the debtor or of his wife or of a witness whose evidence has been received by any Court in any proceeding under this Enactment the deposition of the person so deceased

purporting to be sealed with the seal of the Court or a copy thereof purporting to be so sealed shall be admitted as evidence of the matters therein deposited to.

**121.** All notices and other documents for the service of which no special mode is directed may be sent by registered post to the last known address of the person to be served therewith. Service of notices.

**122.** No proceeding in bankruptcy shall be invalidated by any formal defect or by any irregularity unless the Court before which an objection is made to the proceeding is of opinion that substantial injustice has been caused by the defect or irregularity and that the injustice cannot be remedied by any order of that Court. Formal defect not to invalidate proceeding.

**123.** (i) Every deed, conveyance, assignment, or other assurance relating solely to freehold or leasehold property or to any mortgage, charge, or other incumbrance on, or any estate, right or interest in, any property, real or personal, movable or immovable, which is part of the estate of any bankrupt and which after the execution of the deed, conveyance, assignment, or other assurance is or remains the estate of the bankrupt or of the Official Assignee and every power of attorney, proxy, paper, writ, order, certificate, affidavit, bond, or other instrument or writing relating solely to the property of any bankrupt or to any proceeding under any bankruptcy shall be exempt from stamp duty except in respect of fees under this Enactment. Exemption of deeds, etc., from stamp duty.

(ii) For the purposes of this section "bankruptcy" includes any proceeding before or after adjudication and whether an adjudication is made or not; and "bankrupt" includes any debtor proceeded against under this Enactment.

**124.** Where a bankrupt is a trustee the Court may authorize the appointment of a new trustee in substitution for the bankrupt (whether voluntarily resigning or not) if it appears expedient to do so. Appointment of new trustee.

**125.** For all or any of the purposes of this Enactment a corporation may act by any of its officers authorized in that behalf under the seal of the corporation or by a Director or Secretary: a firm may act by any of its members. By whom corporations and firms may act.

**126.** (i) For all or any of the purposes of this Enactment any person being of sound mind and full age may act on behalf of a minor as his next friend, provided his interest is not adverse to that of the minor. Who may act on behalf of a minor.

(ii) For all or any of the purposes of this Enactment any person being of sound mind and full age may act on behalf of a person of unsound mind adjudged to be so under any law for the time being in force, provided his interest is not adverse to that of the person of unsound mind. Who may act on behalf of a person of unsound mind.

**127.** (i) No person shall as against the Official Assignee be entitled to withhold possession of the books of account or other papers or documents belonging to the debtor or to set up any lien thereon. Access to debtor's book.

(ii) Any creditor of the bankrupt may, subject to the control of the Court, inspect at all reasonable times personally or by agent any such books, papers, or documents in the possession of the Official Assignee.

Unclaimed or undistributed dividends or funds.

**128.** (i) Where an Assignee under any bankruptcy, composition, or scheme pursuant to this Enactment has under his control any unclaimed dividend which has remained unclaimed for more than six months or where after making a final dividend he has in his hands or under his control any unclaimed or undistributed money arising from the property of the debtor the Assignee shall forthwith pay it into the Court for credit to the Bankruptcy Estates Account.

(ii) Where, after the commencement of this Enactment, any unclaimed or undistributed funds or dividends in the hands or under the control of any trustee or other person empowered to collect, receive, or distribute any funds or dividends have remained or remain unclaimed or undistributed for six months after the same became claimable or distributable or in any other case for two years after the receipt thereof by such trustee or other person it shall be the duty of such trustee or other person forthwith to pay the same into the Court for credit to the Bankruptcy Estates Account.

(iii) The Court may at any time order such trustee or other person to submit to it an account verified by affidavit of the sums received and paid by him and may direct and enforce an audit of the account.

(iv) The Official Assignee shall collect and get in all such unclaimed or undistributed funds or dividends and for the purposes of this section the Court shall have and at the instance of the Official Assignee or of its own motion may exercise all the powers conferred by this Enactment with respect to the discovery and realization of the property of a debtor and the provisions of Part I of this Enactment with respect thereto shall with any necessary modifications apply to proceedings under this section.

(v) The provisions of this section shall not, except as expressly declared therein, deprive any person of any larger or other right or remedy to which he may be entitled against the Assignee.

Unclaimed dividends to be transferred after five years.

**129.** (i) All unclaimed dividends and all moneys remaining unclaimed or undistributed after a final dividend has been declared shall stand at the credit of the Bankruptcy Estates Account for five years and, if they remain unclaimed at the expiration of that period, shall, by entries effected in the books of the Treasurer and the Official Assignee, be transferred and paid into an account to be kept by the Treasurer, and shall be disposed of in such manner and for such purposes as the Chief Secretary to Government may from time to time direct: provided that if any claim shall hereafter be made to any part of the moneys so transferred, and if any such claim shall be established to the satisfaction of the Official Assignee, the Treasurer shall pay to the claimant, without interest, such sum as may be certified by the Official Assignee to be due to him.

Treasurer to report yearly.

(ii) In the month of January in each year the Treasurer shall send to the Chief Secretary to Government a report in writing of all sums which are transferred under the provisions of this section.

#### PROCEEDINGS UNCOMPLETED AT COMMENCEMENT OF ENACTMENT.

Insolvency proceedings uncompleted at the commencement of the Enactment.

**130.** In any insolvency proceedings under Chapter XX of the Civil Procedure Code, 1902, pending or uncompleted at the commencement of this Enactment if, at any time after the commencement of this Enactment there is, by reason of the death of the



receiver or any other cause other than the completion of the duties of the receiver in the matter, no receiver acting under the direction of the Court, the Official Assignee appointed for the State in which such proceedings were commenced shall become the receiver, and the property of the insolvent shall, unless the Court shall otherwise order, pass to and vest in such Official Assignee, but this provision shall not prejudice the right of the Court on the application of two or more of the creditors to appoint some other person to act as receiver under the direction of the Court in accordance with the provisions of that Chapter, and such appointment shall operate to vest in the new receiver all the property of the insolvent except as in that Code provided and all the powers, rights, and duties of a receiver appointed under that Code shall attach to such new receiver in the same manner as if he had been appointed before the commencement of this Enactment.

**131.** Nothing in this Enactment shall affect the powers, rights, or duties as such trustee of any trustee appointed under Section 333 of the Civil Procedure Code, 1902, to distribute a composition or to administer the affairs of the debtor or to manage a business of the debtor or the validity of any composition or scheme of arrangement approved under that section.

Compositions and schemes of arrangement approved before the commencement of this Enactment.

**132.** Where any liquidation by arrangement has been or is hereafter closed any property of the debtor which is vested in the trustee and has not been realized or distributed shall vest in the Official Assignee and he shall thereupon proceed to get in, realize, and distribute the property in like manner and with and subject to the like powers and obligations, as far as applicable, as if the liquidation were continuing and he were acting as trustee thereunder.

Transfer of outstanding property on close of liquidation by arrangement.

#### PROTECTION OF OFFICERS.

**133.** (i) No suit or process shall be sued out or served on an Official Assignee or any person acting under his direction for anything done or intended to be done or omitted to be done under the provisions of this Enactment until the expiry of one month after notice in writing has been served on such Official Assignee or other person clearly stating the cause of action and the name and place of abode of the intended plaintiff, and on the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served, and unless such notice is proved the Court shall find for the defendant.

Protection of officers.

(ii) Every such action shall be commenced within one year after the accruing of the cause of action and not afterwards.

(iii) Any person to whom such notice of action is given as aforesaid may tender amends to the plaintiff or his Solicitor at any time within one month after service of such notice, and in case the same be not accepted may plead such tender as a defence, and in case amends have not been tendered as aforesaid or in case the amends tendered are insufficient the defendant may at any time before trial pay into Court as a defence such sum of money as he may think proper, and if the plaintiff be non-suited or judgment be given for the defendant then the defendant shall be entitled to full costs of the suit and have judgment accordingly.

FIRST SCHEDULE.  
ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak ..	11 of 1902	The Civil Procedure Code, 1902	Chapter XX
Selangor ..	13 of 1902	Do.	„
N. Sembilan	7 of 1902	Do.	„
Pahang ..	11 of 1902	Do.	„

SECOND SCHEDULE.  
MEETING OF CREDITORS.

1. The first meeting of creditors shall be summoned for a day not later than one calendar month in the case of a debtor's petition or six weeks in the case of a creditor's petition after the date of receiving order unless the Court for any special reason deems it expedient that the meeting be summoned for a later day .

2. The Official Assignee shall summon the meeting by giving not less than seven days' notice of the time and place thereof in the prescribed manner.

3. The Official Assignee shall also as soon as practicable send to each creditor mentioned in the debtor's statement of affairs a notice of the time and place of the meeting accompanied by a summary of the debtor's statement of affairs including the causes of his failure and any observations thereon which the Official Assignee may think fit to make ; but the proceedings at the meeting shall not be invalidated by reason of any such notice or summary not having been sent or received before the meeting.

4. The meeting shall be held at such place as is in the opinion of the Official Assignee most convenient for the majority of the creditors.

5. The Official Assignee may at any time summon a meeting of creditors and shall do so whenever so directed by the Court or so requested in writing by one-fourth in value of the creditors or by the consultative committee.

6. Meetings subsequent to the first meeting shall be summoned by sending not less than three days' notice of the time and place thereof to each creditor at the address given in his proof or if he has not proved at the address given in the debtor's statement of affairs or at such other address as may be known to the person summoning the meeting.

7. The Official Assignee, or in his absence some person nominated by him, shall be the chairman at every meeting : provided that if the Court so directs the chairman at any subsequent meeting shall be such person as the meeting by ordinary resolution appoint.

8. A person shall not be entitled to vote as a creditor at any meeting of creditors unless he has duly proved a debt provable in bankruptcy to be due to him from the debtor and the proof has been duly lodged before the time appointed for the meeting.

9. A creditor shall not vote at any such meeting in respect of any unliquidated or contingent debt or any debt the value of which is not ascertained.

10. For the purposes of voting a secured creditor shall, unless he surrenders his security, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it and shall be entitled to vote only in respect of the balance (if any) due to him after deducting the value of his security. If he votes in respect of his whole debt he shall be deemed to have surrendered his security unless the Court on application is satisfied that the omission to value the security has arisen from inadvertence.

11. A creditor shall not vote in respect of any debt on or secured by a current bill of exchange or promissory note held by him unless he is willing to treat the liability to him thereon of every person who is liable thereon antecedently to the debtor and against whom a receiving order has not been made as a security in his hands and to estimate the value thereof and for the purposes of voting but not for the purposes of dividend to deduct it from his proof.

12. It shall be competent to the Official Assignee within twenty-eight days after a proof estimating the value of a security as aforesaid has been made use of in voting at any meeting to require the creditor to give up the security for the benefit of the creditors generally on payment of the value so estimated with an addition thereto of twenty per centum: provided that where a creditor has put a value on the security he may at any time before he has been required to give up the security as aforesaid correct the valuation by a new proof and deduct the new value from his debt but in that case the addition of twenty per centum shall not be made if the Official Assignee requires the security to be given up.

13. If a receiving order is made against one partner of a firm any creditor to whom that partner is indebted jointly with the other partners of the firm or any of them may prove his debt for the purpose of voting at any meeting of creditors and shall be entitled to vote thereat.

14. The chairman of a meeting shall have power to admit or reject a proof for the purpose of voting but his decision shall be subject to appeal to the Court. If he is in doubt whether the proof of a creditor should be admitted or rejected he shall mark the proof as objected to and shall allow the creditor to vote subject to the vote being declared invalid in the event of the objection being sustained.

15. A creditor may vote either in person or by proxy.

16. Every instrument of proxy shall be in the prescribed form and shall be issued by the Official Assignee and every insertion therein shall be in the handwriting of the person giving the proxy or if such person be unable to write English then in the handwriting of the Official Assignee.

17. A creditor may give a general proxy to his manager or clerk or any other person in his regular employment. In that case the instrument of proxy shall state the relation in which the person to act thereunder stands to the creditor.

18. A creditor may give a special proxy to any person to vote at any specified meeting or adjournment thereof for or against any specific resolution.

19. A proxy shall not be used unless it is deposited with the Official Assignee before the meeting at which it is to be used.

20. A creditor may appoint the Official Assignee to act in manner prescribed as his general or special proxy.

21. The chairman of a meeting may, with the consent of the meeting, adjourn the meeting from time to time and from place to place.

22. A meeting shall not be competent to act for any purpose except the election of a chairman, the proving of debts and the adjournment of the meeting unless there are present or represented thereat at least three creditors or all the creditors if their number does not exceed three.

23. If within half an hour from the time appointed for the meeting a quorum of creditors is not present or represented the meeting shall be adjourned to the same day in the following week at the same time and place or to such other day as the chairman may appoint not being less than seven or more than twenty-one days.

24. The chairman of every meeting shall cause minutes of the proceedings at the meeting to be drawn up and fairly entered in a book kept for that purpose and the minutes shall be signed for him.

25. No person acting under either a general or a special proxy shall vote in favour of any resolution which would directly or indirectly place himself, his partner or employer in a position to receive any remuneration out of the estate of the debtor otherwise than as a creditor rateably with the other creditors of the debtor.

### THIRD SCHEDULE.

#### PROOF OF DEBTS.

##### PROOF IN ORDINARY CASES.

1. Every creditor shall prove his debt as soon as may be after the making of a receiving order.

2. A debt may be proved by delivering or sending through the post in a prepaid letter to the Official Assignee an affidavit verifying the debt.

3. The affidavit may be made by the creditor himself or by some person authorized by or on behalf of the creditor or his estate. If made by a person so authorized it shall state his authority and means of knowledge.

4. The affidavit shall contain or refer to a statement of account showing the particulars of the debt and shall specify the vouchers, if any, by which the same can be substantiated. The Official Assignee may at any time call for the production of the vouchers.

5. The affidavit shall state whether the creditor is or is not a secured creditor.

6. A creditor shall bear the cost of proving his debt unless the Court otherwise specially orders.

7. Every creditor who has lodged a proof shall be entitled to see and examine the proofs of other creditors at all reasonable times.

8. A creditor proving his debt shall deduct therefrom all trade discounts; but he shall not be compelled to deduct any discount not exceeding five per centum on the net amount of his claim which he may have agreed to allow for payment in cash.

#### PROOF BY SECURED CREDITORS.

9. If a secured creditor realizes his security he may prove for the balance due to him after deducting the net amount realized.

10. If a secured creditor surrenders his security to the Official Assignee for the general benefit of the creditors he may prove for his whole debt.

11. If a secured creditor does not either realize or surrender his security he shall, before ranking for dividend, state in his proof the particulars of his security, the date when it was given and the value at which he assesses it and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

12. (a) Where a security is so valued the Official Assignee may at any time redeem it on payment to the creditor of the assessed value;

(b) If the Official Assignee is dissatisfied with the value at which a security is assessed he may require that the property comprised in any security so valued be offered for sale at such times and on such terms and conditions as may be agreed on between the creditor and the Official Assignee or as in default of agreement the Court may direct. If the sale is by public auction the creditor or the Official Assignee on behalf of the estate may bid or purchase;

(c) Provided that the creditor may at any time by notice in writing require the Official Assignee to elect whether he will or will not exercise his power of redeeming the security or requiring it to be realized, and if the Official Assignee does not within six months after receiving the notice signify in writing to the creditor his election to exercise the power he shall not be entitled to exercise it; and the equity of redemption (if any) and any other interest in property comprised in the security which is vested in the Official Assignee shall vest in the creditor and the amount of his debt shall be reduced by the amount at which the security has been valued.

13. Where a creditor has so valued his security he may at any time amend the valuation and proof on shewing to the satisfaction of the Official Assignee or the Court that the valuation and proof were made *bonâ fide* on a mistaken estimate or that the security has diminished or increased in value since its previous valuation; but every such amendment shall be made at the cost of the creditor and upon such terms as the Court orders unless the Official Assignee allows the amendment without application to the Court.

14. Where a valuation has been amended in accordance with the foregoing rule the creditor shall forthwith repay any surplus dividend which he has received in excess of that to which he would have been entitled on the amended valuation or as the case may be shall be entitled to be paid out of any money for the time being available for dividend any dividend or share of dividend which he has failed to receive by reason of the inaccuracy of the original valuation before that money is made applicable to the payment of any future dividend but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment.

15. If a creditor after having valued his security subsequently realizes it or if it is realized under the provisions of Rule 12 the net amount realized shall be substituted for the amount of any valuation previously made by the creditor and shall be treated in all respects as an amended valuation made by the creditor.

16. If a secured creditor does not comply with the foregoing rules he shall be excluded from all share in any dividend.

17. Subject to the provisions of Rule 12 a creditor shall in no case receive more than one hundred cents in the dollar and interest as provided by this Enactment.

#### TAKING ACCOUNTS OF PROPERTY MORTGAGED OR CHARGED AND SALE THEREOF.

18. Upon application by motion of any person claiming to be a mortgagee or chargee of any part of the bankrupt's immovable property the Court shall proceed to inquire whether the person is such mortgagee or chargee and for what consideration and under what circumstances; and if it is found that the person is such mortgagee or chargee and if no sufficient objection appears to the title of the person to the sum claimed by him under the mortgage or charge the Court shall direct such accounts and inquiries to be taken as may be necessary for ascertaining the principal, interest, and costs due upon the mortgage or charge and the rents and profits or dividends, interest, or other proceeds received by the person or by any other person by his order or for his use in case he has been in possession of the property over which the mortgage or charge extends or any part thereof; and the Court if satisfied that there ought to be a sale shall direct notice to be given in such manner as it thinks fit when and where and by whom and in what way the property or the interest therein so mortgaged or charged is to be sold and that the sale be made accordingly and that the Official Assignee (unless it be otherwise ordered) shall have the conduct of the sale; but it shall not be imperative on any

such mortgagee or chargee to make such application at every such sale the mortgagee or chargee may bid and purchase.

19. All proper parties shall join in the conveyance to the purchaser as the Court may direct.

20. The moneys arising from the sale shall be applied in the first place in payment of the costs, charges, and expenses of the Official Assignee of and occasioned by the application to the Court and of and attending the sale and then in payment and satisfaction so far as the same will extend of what is found due to the mortgagee or chargee for principal, interest, and costs; and the surplus of the said moneys (if any) shall then be paid to the Official Assignee; but in case the moneys arising from the sale are insufficient to pay and satisfy what is so found due to the mortgagee or chargee then he shall be entitled to prove as a creditor for the deficiency and receive dividends thereon rateably with the other creditors but not so as to disturb any dividend then already declared.

21. For the better taking of such enquiries and accounts and making a title to the purchaser all parties may be examined by the Court upon interrogatories or otherwise as it may think fit and shall produce before the Court upon affirmation all deeds, papers, books, and writings in their respective custody or power relating to the estate or effects of the bankrupt as the Court may direct.

#### PROOF IN RESPECT OF DISTINCT CONTRACTS.

22. If a debtor was at the date of the receiving order liable in respect of distinct contracts as a member of two or more distinct firms or as a sole contractor and also as member of a firm the circumstance that the firms are in whole or in part composed of the same individuals or that the sole contractor is also one of the joint contractors shall not prevent proof in respect of the contracts against the properties respectively liable on the contracts.

#### PERIODICAL PAYMENTS.

23. When any rent or other payment falls due at stated periods and the receiving order is made at any time other than one of those periods the person entitled to the rent or payment may prove for a proportionate part thereof up to the date of the order as if the rent or payment grew due from day to day.

#### INTEREST.

24. On any debt or sum certain payable at a certain time or otherwise whereon interest is not reserved or agreed for and which is overdue at the date of the receiving order and provable in bankruptcy the creditor may prove for interest at a rate not exceeding six per centum per annum to the date of the order from the time when the debt or sum was payable if the debt or sum is payable by virtue of a written instrument at a certain time, and if payable otherwise then from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment.

## DEBT PAYABLE AT A FUTURE TIME.

25. A creditor may prove for a debt not payable when the debtor committed an act of bankruptcy as if it were payable presently and may receive dividends equally with the other creditors deducting only thereout a rebate of interest at the rate of six per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable according to the terms on which it was contracted.

## ADMISSION OR REJECTION OF PROOFS.

26. The Official Assignee shall examine every proof and the grounds of the debt and in writing admit or reject it in whole or in part or require further evidence in support of it. If he rejects a proof he shall state in writing to the creditor the grounds of the rejection.

27. If the Official Assignee thinks that a proof has been improperly admitted the Court may on his application after notice to the creditor who made the proof expunge the proof or reduce its amount.

28. If a creditor is dissatisfied with the decision of the Official Assignee in respect of a proof the Court may on the application of the creditor reverse or vary the decision.

29. The Court may also expunge or reduce a proof upon the application of a creditor if the Official Assignee declines to interfere in the matter or in the case of a composition or scheme upon the application of the debtor.

30. For the purpose of any of his duties in relation to proofs the Official Assignee may administer affirmations and take affidavits.



## ENACTMENT NO. 3 OF 1912.

As amended by Fed. E. 3 of 1913.

### An Enactment to Incorporate the Planters' Benevolent Fund of Malaya.

ARTHUR YOUNG, [30th August, 1912.  
*President of the Federal Council.* 31st August, 1912.]

WHEREAS an Association consisting of persons engaged in planting agricultural products in the Malay Peninsula and called the Planters' Benevolent Fund has been established for the purpose of relieving necessitous persons of European birth who are or have been members of the planting community in the Malay Peninsula, and the wives, widows, and children of such persons : AND WHEREAS the said Association has applied to be incorporated and it is expedient and for the public good that such application be granted :

Preamble.

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

1. This Enactment may be cited as "The Planters' Benevolent Fund Enactment, 1912," and shall come into force on the publication thereof in the *Gazette*.

Short title and commencement.

2. From and after the commencement of this Enactment such persons as now are or may hereafter become members of the said Association shall be and become a Corporation with continuance forever under the name of "The Planters' Benevolent Fund of Malaya," and by that name may sue and be sued in all Courts, and shall have full powers and authority to have and to use a common seal.

Incorporation of the Planters' Benevolent Fund of Malaya.

#### 3. *Members shall consist of*

(a) *persons of European birth and corporations who or which being or having been engaged in planting in the Malay Peninsula are or shall from time to time become or be annual subscribers to the funds of the Corporation hereby constituted ;*

Membership.  
E. 3 of 1913.

(b) *patrons of the Corporation hereby constituted.*

4. The general objects for which the Corporation is constituted are the relief of necessitous persons of European birth who are or have been members of the planting community of the Malay Peninsula, and the wives, widows, and children of any such persons.

Objects.

5. The affairs of the Corporation shall, subject to the rules made under Section 15, be administered by the Standing Committee for the time being thereof.

Administration.

Standing  
Committee.

6. The Standing Committee shall consist of the Chairman and Secretary for the time being of the Planters' Association of Malaya, the Chairman for the time being of each of the several constituent Planters' Associations in the Malay Peninsula together with other persons (not necessarily planters) not exceeding ten in number who shall be elected annually at the annual general meeting of the Planters' Association of Malaya.

Powers of  
Standing  
Committee.

7. The Standing Committee shall, subject to the provisions of this Enactment and of any rules made under Section 15, have full power and authority generally to govern, direct, and decide all matters whatsoever connected with the control and administration of the funds of the said Corporation and the accomplishment of the objects thereof.

Executive  
Committee.

8. The Standing Committee shall have power to appoint annually an Executive Committee consisting of the Chairman and Secretary for the time being of the Planters' Association of Malaya and one other member of the Standing Committee to deal with all cases of emergency which may arise between the meetings of the Standing Committee.

President.

9. The Chairman for the time being of the Planters' Association of Malaya shall be President and Chairman of the said Corporation and Chairman of the said Standing Committee: provided that if the Chairman for the time being of the Planters' Association of Malaya should be unwilling to act as President and Chairman of the Corporation, or Chairman of the Standing Committee, a person appointed by the Corporation at a special general meeting convened for the purpose shall be President and Chairman as aforesaid.

Secretary and  
Treasurer.

10. The Secretary for the time being of the Planters' Association of Malaya shall be Secretary and Treasurer to the said Corporation: provided that if the Secretary for the time being of the Planters' Association of Malaya should be unwilling to act as Secretary or Treasurer to the Corporation, a person appointed by the Corporation at a special general meeting convened for the purpose shall be the Secretary and Treasurer to the Corporation.

Duties of  
Treasurer.

11. The Treasurer shall receive and keep an account of all the moneys and funds belonging to the Corporation, and shall pay all sums voted by the Standing Committee in respect of applications for relief and, with the sanction of such Committee, all expenses incurred in connection with the management and control of the moneys and funds of the said Corporation. He shall also prepare and submit to the said Standing Committee, when called upon by the said Committee so to do, an account of the transactions of the Corporation.

Meetings of  
Standing  
Committee.

12. Meetings of the Standing Committee shall be called by the Secretary on requisition by three members, and four members personally present shall form a quorum, and the Chairman of such Committee shall have a casting vote in addition to his own original vote.

Register of  
members.

13. The Standing Committee shall cause a register to be kept in which every person who at the commencement of this Enactment

is a member of the said Association called the Planters' Benevolent Fund and every person thereafter duly admitted a member of the Corporation hereby constituted shall have his name inscribed together with the amount of his subscription or donation.

14. The Standing Committee shall cause proper books of account to be kept, which shall be open at all reasonable times to the inspection of members of the Corporation. Accounts.

15. It shall be lawful for the Corporation from time to time at any general meeting of the members and by a majority of two-thirds of the members present at any such meeting to make, amend, alter, or cancel rules for the control and administration of the funds of the Corporation, for the conduct of the duties of the Standing Committee, for the procedure in the transaction of business, and otherwise generally for the management of the affairs of the Corporation and the accomplishment of its objects. Such rules, amendments, alterations, or cancellations when made may at a like meeting be altered, amended, or cancelled, subject, however, to the requirements hereinafter contained. Rules.

16. No rule or alteration, amendment, or cancellation of any rule shall have effect until the same shall have been confirmed at a subsequent general meeting, and such confirmation shall be null and void unless made by a majority of the members present at such meeting. Such subsequent meeting shall be held within a period of not less than fourteen days or more than two months from the date of the meeting mentioned in Section 15. All rules and every amendment, alteration, or cancellation of any rule shall, when confirmed as provided in this section, be published in the *Gazette*. Confirmation of rules.

17. The Secretary, upon the request of the Standing Committee or upon the written requisition of five or more members of the Corporation, shall call a general meeting of which at least fifteen days' notice shall be given. The quorum of any general meeting, annual or otherwise, of the Corporation shall consist of such number of persons as shall be decided by rule made under Section 15. General meetings.

18. (i) An annual general meeting of the members of the Corporation shall be held on the same day as the annual general meeting of the Planters' Association of Malaya in each year, when there shall be submitted a balancesheet, a statement of assets and liabilities, and an account of receipts and disbursements during the previous twelve months, all of which shall be prepared by the Treasurer and duly audited. Annual general meeting.

(ii) Such statement and account shall be examined and the correctness of the balance sheet ascertained by one or more auditors to be appointed by the Standing Committee.

19. The President and Chairman of the Corporation shall if present preside at all meetings of the Corporation and of the Standing Committee and in his absence the members present shall elect a Chairman for the occasion. The President, or in his absence the Chairman, shall have a casting vote in addition to his own original vote. The chair at meetings.

Property  
vested in the  
Corporation.

20. (i) On the commencement of this Enactment, all and every the moneys, funds, and property of whatsoever kind belonging to or held in trust for the fund known as the benevolent fund of the Planters' Association of Malaya, whether held in the name of the said Association or in the name of any person or persons or corporation in trust or otherwise for the benefit of the said fund or of necessitous planters in the Malay Peninsula, shall be and the same are hereby vested in the Corporation hereby constituted, and the same, together with all after acquired property and all subscriptions, contributions, donations, and any other additions thereto received or to be received, shall be held by the said Corporation for the purposes of this Enactment.

(ii) All debts and liabilities of the said Association called the Planters' Benevolent Fund existing at the commencement of this Enactment shall be paid by the Corporation hereby constituted and all debts due to such Association and all subscriptions and donations thereto shall be paid to the said Corporation.

Investment  
of funds.

21. It shall be lawful for the Corporation to place and invest the whole of the surplus funds belonging to the Corporation, and any moneys or funds belonging to or left to or which shall hereafter be paid or come into the hands of the Corporation or into the hands of any person or corporation in trust for the Corporation, in or upon any stocks, funds, or securities of or guaranteed by the Government of the Federated Malay States, or of the United Kingdom of Great Britain and Ireland, or of any British Colony, Protectorate, or Dependency, or upon mortgage of any real or leasehold securities in the said United Kingdom, or upon mortgage of immovable property in the Malay Peninsula, but not elsewhere, such leasehold securities being held for a term whereof sixty years at least shall be unexpired at the time of such investment with power for the Corporation from time to time to vary any such investments for others of the same or a like nature : provided always that notwithstanding anything hereinbefore contained the Corporation shall be at liberty to hold any debentures, securities, stocks, or shares, whether ordinary or preference, in any Company with limited liability that may be bequeathed or given to the Corporation, whether such Company shall at the time of such bequest be paying a dividend on its ordinary shares or not, without being obliged to sell or realize the same and to invest the proceeds of any sale or realization when the same shall be made on investments hereby authorized : provided, however, that the Corporation shall not be at liberty to accept any stock or shares which are not fully paid up or in respect of which there is any liability of any kind.

Seal.

22. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of the Chairman or one other member of the Standing Committee and of the Secretary, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Power to hold  
property.

23. The Corporation shall, subject to Sections 21 and 25, be able and capable in law to take and hold any property, movable

or immovable, which may become vested in it by virtue of any grant, gift, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purposes of this Enactment.

24. It shall be lawful for the Corporation to sell, exchange, mortgage, and otherwise deal with any of its property or assets in such manner as it shall think fit. Power to deal with property.

25. (i) In the event of the Corporation becoming entitled to immovable property, wherever situate, either by way of gift or otherwise howsoever, the Corporation shall divest itself thereof by sale or otherwise within five years from the time when it shall have become entitled thereto: provided that in the event of the Corporation becoming entitled to immovable property in the Federated Malay States, the British Isles or elsewhere, by deed of gift or under a will, such property, if given for a charitable purpose in connection with the objects of the Corporation, may be retained by the Corporation with the consent of the Chief Secretary to Government. Immovable property.

(ii) The Corporation shall have power to acquire land in the Federated Malay States, the British Isles, or elsewhere for the purpose of providing a home, orphanage, or other charitable institution which has for its object the benefiting of the persons referred to in Section 4.

## ENACTMENT NO. 4 OF 1912.

As amended by Fed. Enactments 14 of 1913, 31 of 1914, 21 of 1916,  
21 of 1918, and 23 of 1920.

An Enactment to repeal and re-enact, with amendments,  
“ The Railways Enactments, 1903.”

ARTHUR YOUNG, [21st September, 1912.  
*President of the Federal Council.* 27th September, 1912.]

It is hereby enacted by the Rulers of the Federated Malay States  
in Council, as follows :—

Short title and  
commence-  
ment.

1. This Enactment may be cited as “ The Railways Enactment,  
1912,” and shall come into force upon the publication thereof in the  
*Gazette*.

Repeal.

2. The Enactments mentioned in the first schedule hereto are  
repealed.

Interpre-  
tation.

3. For the purposes of this Enactment unless the context other-  
wise requires “ Railway ” means a railway for the public conveyance  
of passengers or goods, and for the purposes of Sections 4–16 includes  
a railway under construction. It also includes :

- (a) All lands within any boundary marks or fences prescribed  
for the railway under Section 13, and all other lands  
lawfully occupied for the purposes of the railway ;
- (b) All lines of rail, sidings, or branches worked over for the  
purposes of, or in connection with, the railway ;
- (c) All stations, offices, warehouses, fixed machinery, and other  
works constructed for the purpose of, or in connection  
with, the railway ;
- (d) All vessels and rafts used for the purpose of carrying on the  
traffic of the railway ;
- (e) All engines, passenger coaches, and goods and live stock,  
vehicles or other rolling stock used for the purpose of  
carrying on the traffic of the railway.

“ General Manager ” means the General Manager of the Federated  
Malay States Railways.

“ Railway Administration ” means the General Manager of the  
Federated Malay States Railways.

“ Railway official ” includes all persons employed by or on behalf  
of a Railway Administration to perform any function in connection  
with a railway.

“ Passengers’ luggage ” means all such articles as a passenger takes with him for his personal use or convenience, according to the habits or wants of the class to which he belongs, with reference to either the immediate necessities or the ultimate purpose of the journey, but does not, except in the case of commercial travellers, include any articles carried for purposes of business, trade, or profit. “ Passengers’ luggage.”

“ Parcels ” shall mean all parcels, packages, fish, fruit, poultry, and every other article, matter or thing conveyed at parcels rates by passenger trains and subject to the conditions provided therefor. “ Parcels.”

“ Goods ” shall mean all merchandise, machinery, bales, boxes, casks, crates, and every article or thing comprised in the classification of goods which may be accepted for conveyance in goods wagons upon goods or mixed trains, under the terms and conditions of the contract in the consignment note made and entered into by the sender or his agent. “ Goods.”

4. (i) No person or company shall construct, work, or maintain any railway within the Federated Malay States from private funds unless he or they shall have previously deposited with the Clerk of the Federal Council a scheme for such railway and have obtained legislative powers enabling the construction, maintenance, and working of such railway. Private railways.

(ii) Any railway constructed in the Federated Malay States from private funds prior to the passing of this Enactment shall be subject to such provision with regard to the maintenance and working thereof as the General Manager may, with the approval of the Chief Secretary to Government, from time to time make in regard thereto. Working of existing private railways.

5. The Chief Secretary to Government may appoint a fit and proper person to execute the duties and powers hereinafter mentioned who shall be called the General Manager, together with such other officers and clerks as may appear necessary to the Chief Secretary to Government. And all duties and powers hereinafter required to be performed and exercised by the General Manager may be performed and exercised by any such officer specially authorized in that behalf. General Manager, other officers and clerks.

6. Subject to the provisions of this Enactment, and in the case of immovable property not belonging to the Railway Administration, to the provisions of any Enactment for the time being in force for the acquisition of land for public purposes and for companies, and subject also as regards the parties thereto to the provisions of any contract entered into between the Railway Administration and the owners or occupiers of or other parties interested in any lands taken or used for the purposes of the railway, the Railway Administration may, for the purpose of constructing the railway or the accommodation or other works connected therewith, and notwithstanding anything in any other Enactment for the time being in force :

(a) Make or construct, in, upon, across, under or over any lands, or any streets, hills, valleys, roads, railways or tramways, or any rivers, canals, brooks, streams or other waters, or any drains, water-pipes, gas-pipes, electric wires or posts, such temporary or permanent inclined planes, arches,

Authority of a Railway Administration for constructing necessary works.

tunnels, culverts, embankments, aqueducts, bridges, roads, lines of railway, ways, passages, conduits, drains, piers, abutments, cuttings, and fences, as the Railway Administration thinks proper ;

- (b) Alter the course of any rivers, brooks, streams, or water-courses, for the purpose of constructing and maintaining tunnels, bridges, passages, or other works over or under them ; and divert or alter, as well temporarily as permanently, the course of any rivers, brooks, streams, or water-courses, or any roads, streets, or ways ; or raise or sink the level thereof, in order the more conveniently to carry them over or under or by the side of the railway, as the Railway Administration thinks proper ;
- (c) Make drains or conduits into, through, or under any lands adjoining the railway, for the purpose of conveying water from or to the railway ;
- (d) Erect and construct such houses, warehouses, offices, and other buildings, and such yards, stations, wharves, engines, machinery, apparatus, and other works and conveniences as the Railway Administration thinks proper ;
- (e) Alter, repair, or discontinue such buildings, works, and conveniences as aforesaid, or any of them, and substitute others in their stead ; and
- (f) Do all other acts necessary for making, maintaining, altering or repairing and using the railway.

The exercise of the powers conferred on the Railway Administration by this section shall be subject to the control of the Chief Secretary to Government.

Works not to be constructed on seashore, etc.

7. It shall not be lawful for the Railway Administration to construct any work on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, or to construct any railway or bridge across any creek, bay, arm of the sea, or navigable river where and so far up the same as the tide flows and reflows, without the previous consent in writing of the Chief Secretary to Government and then only according to such plan as the Chief Secretary to Government may approve ; and when such work, railway, or bridge shall have been constructed, it shall not be lawful for the Railway Administration to alter or extend the same without obtaining before making any such alteration or extension the like consent and approval.

Altering position of pipes, wires, or drains.

8. The Railway Administration may, in the exercise of the powers conferred upon it by this Enactment, alter the position of any pipe for the supply of gas, water, or compressed air, or the position of any electric wire or of any drain, not being a main drain, provided that :

- (a) When the Railway Administration desires to alter the position of any such pipe, wire, or drain, it shall give reasonable notice of its intention to do so, and of the



time at which it will begin to do so, to the local authority or company having control over the pipe, wire, or drain ; or when the pipe, wire, or drain is not under the control of a local authority or company, to the person under whose control the pipe, wire, or drain is ;

- (b) A local authority, company, or person receiving notice under proviso (a) may send a person to superintend the work, and the Railway Administration shall execute the work to the reasonable satisfaction of the person so sent, and shall make arrangements for continuing during the execution of the work the supply of gas, water, compressed air, or electricity, or the maintenance of the drainage, as the case may be.

9. (i) The Chief Secretary to Government may authorize the Railway Administration, in case of any slip or other accident happening or being apprehended to any cutting, embankment, or other work under the control of the Railway Administration, to enter upon any lands adjoining the railway for the purpose of repairing or preventing such accident, and to do all such work as may be necessary for such purpose.

Adjacent land to be entered on to prevent or repair accident.

(ii) In case of necessity the Railway Administration may enter upon the lands and do the works aforesaid without having the previous sanction of the Chief Secretary to Government, but in such a case shall, within seventy-two hours after such entry, make a report to the Chief Secretary to Government specifying the nature of the accident or apprehended accident, and of the works necessary to be done ; and the power conferred on the Railway Administration by this sub-section shall cease and determine if the Chief Secretary to Government after considering such report considers that the exercise of the power is not necessary for the public safety.

10. The Railway Administration shall do as little damage as possible in the exercise of the powers conferred by Sections 6, 8, and 9, and compensation shall be paid for any damage caused by the exercise thereof.

Compensation for damage.

Any person claiming compensation for damage done in the exercise by the Railway Administration of any of the powers conferred by the sections above-mentioned, may in his discretion lodge his claim in writing with the Collector of Land Revenue of the district, who shall be bound to forward the same to the Railway Administration.

A suit shall not lie to recover such compensation, but in case of dispute the amount thereof shall, on application by either party to the Collector of Land Revenue for the district, be determined after enquiry held by him in accordance, so far as may be, with the procedure prescribed by Part VII of " The Land Enactment, 1911."

11. (i) The Railway Administration shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway—namely :

Accommodation works.

- (a) Such and so many convenient crossings, bridges, arches, culverts, and passages, over, under, or by the sides of or leading to or from the railway as may, in the opinion of the Chief Secretary to Government, be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made ; and
  - (b) All necessary arches, tunnels, culverts, drains, water-courses, or other passages, over or under or by the sides of the railway, of such dimensions as will, in the opinion of the Chief Secretary to Government, be sufficient at all times to convey water as freely from or to the lands lying near or by the railways as before the making thereof, or as nearly so as may be.
- (ii) Subject to the other provisions of this Enactment the works specified in clauses (a) and (b) of sub-section (i) shall be made during or immediately after the laying out or formation of the railway over the lands traversed thereby, and in such manner as to cause as little damage or inconvenience as possible to persons interested in the lands or affected by the works.
- (iii) The foregoing provisions of this section are subject to the following provisos—namely :
- (a) The Railway Administration shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, or to make any accommodation works with respect to which the owners and occupiers of the land have agreed to receive and have been paid compensation in consideration of their not requiring such works to be made ;
  - (b) Save as hereinafter in this Enactment provided the Railway Administration shall not, except on the requisition of the Chief Secretary to Government, be compelled to defray the cost of executing any further or additional accommodation works for the use of the owners or occupiers of the lands after the expiration of three years from the date on which the railway passing through the lands was first opened for public traffic ;
  - (c) When the Railway Administration has provided suitable accommodation for the crossing of a road or stream, and such road or stream is afterwards diverted by the act or neglect of the person having the control thereof, the Railway Administration shall not be compelled to provide other accommodation for the crossing of such road or stream.

Additional  
accommodation  
works required  
by owner or  
Public Works  
Department.

**12.** If an owner or occupier of any land affected by a railway considers the works made under the last foregoing section to be insufficient for the commodious use of the land, or if the Public Works Department or a local authority desires to construct a public road or other work across, under, or over a railway, he or it, as the case may be, may at any time require the Railway Administration

to make, at his or its expense, such further accommodation works as he or it thinks necessary, and are agreed to by the Railway Administration, or as, in case of difference of opinion, may be authorized by the Chief Secretary to Government.

**13.** The Chief Secretary to Government may require that, within a time to be specified in the requisition, or within such further time as he may appoint in this behalf :

Fences, gates, bars, etc., to be made.

- (a) Boundary marks or fences be provided or renewed by the Railway Administration for the railway, or any part thereof, and for roads constructed in connection therewith ;
- (b) Any works in the nature of a screen, near to or adjoining the side of any public road, constructed before the making of a railway, be provided or renewed by the Railway Administration for the purpose of preventing danger to passengers on the road by reason of horses or other animals being frightened by the sight or noise of the rolling stock moving on the railway ;
- (c) Suitable gates, chains, bars, stiles, or hand-rails be erected or renewed by the Railway Administration at places where a railway crosses a public road on the level ;
- (d) Persons be employed by the Railway Administration to open and shut such gates, chains, or bars.

**14.** (i) Where the Railway Administration has constructed a railway across a public road on the level, the Chief Secretary to Government may at any time, if it appears to him necessary for the public safety, require the Railway Administration, within such time as he thinks fit, to carry such road either under or over the railway by means of a bridge or arch, with convenient ascents and descents and other convenient approaches, instead of crossing the road on the level, or to execute such other works as, in the circumstances of the case, may appear to the Chief Secretary to Government to be best adapted for removing or diminishing the danger arising from the level crossing.

Level crossings to be replaced by bridges, etc.

(ii) The Chief Secretary to Government may require, as a condition of making a requisition under sub-section (i), that the local authority, if any, which maintains the road, shall undertake to pay the whole of the cost to the Railway Administration of complying with the requisition, or such portion of the cost as the Chief Secretary to Government thinks just.

**15.** (i) In either of the following cases—namely :

Removal of trees.

- (a) Where there is danger that a tree standing near a railway may fall on such railway so as to obstruct traffic ;
- (b) When a tree obstructs the view of any signal ;

the Railway Administration may, with the permission of a Magistrate of the First Class fell such tree, or deal with it in such other manner as will, in the opinion of the Railway Administration, avert the danger or remove the obstruction, as the case may be.

(ii) In case of emergency the power mentioned in sub-section (i) may be exercised by the Railway Administration without the permission of a Magistrate.

(iii) Where a tree felled or otherwise dealt with under sub-section (i) or sub-section (ii) was in existence before the railway was constructed or the signal was fixed, a Magistrate may, upon the application of the persons interested in the tree, award to those persons such compensation as he thinks reasonable.

(iv) A Civil Court shall not entertain a suit to recover compensation for any tree felled or otherwise dealt with under this section.

Notice to be given by owner or occupier of land felling or clearing any trees or jungle adjacent to railway.

16. In the event of the owner or occupier of any land felling or clearing any trees or jungle adjacent to the railway or to any telegraphs or telephones erected thereon such owner or occupier shall give to the Railway Administration seven days' previous notice in writing of his intention so to do and shall take all such reasonable precautions as the Railway Administration may require for the protection of the railway or of any telegraphs or telephones erected thereon. In the event of any such owner or occupier causing damage to the railway or to any telegraphs or telephones erected thereon the amount of any such damage shall in default of agreement be recoverable in a summary manner before a Magistrate of the First Class: provided that if any such claim shall exceed five hundred dollars proceedings shall be taken before the Court of a Judicial Commissioner.

Telegraphs and telephones.

17. It shall be lawful for the General Manager to erect and work telegraphs and telephones along the railway and to collect fees for the transmission of messages thereby.

Right to use locomotives.  
E. 14 of 1913.

17A. *The Railway Administration may use upon the railway locomotive engines worked by steam or by such other power as the Chief Secretary to Government may from time to time approve and rolling stock to be drawn or propelled thereby.*

Facilities to be afforded by Railway Administration.

18. The Railway Administration shall afford all reasonable facilities according to its ability for the receiving, forwarding, and delivering of traffic.

No undue preference to be given.

19. The Railway Administration shall not make or give any undue or unreasonable preference or advantage to or in favour of any particular person, or any particular description of traffic, in any respect whatsoever, or subject any particular person or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Procedure when complaint made of breach of last two sections.

20. (i) The Chief Secretary to Government, on receiving a complaint of anything done by the Railway Administration in contravention of either of the two last preceding sections, may, if he thinks fit, refer the case to the Court of a Judicial Commissioner for decision.

(ii) In hearing any such case the Judicial Commissioner shall have all powers exercisable by him in the hearing of an ordinary civil suit, and may permit any party to appear before him, either personally, or by Advocate and Solicitor.

(iii) Any decree or order made on such hearing may be enforced in the same way as a decree or order granted by the Court of a Judicial Commissioner in its ordinary jurisdiction.

21. (i) Whenever it is shewn that the Railway Administration charges one trader or class of traders, or the traders in any local area, lower rates for the carriage of the same or similar animals or goods, or lower rates for the same or similar services, than it charges to other traders or classes of traders, or to the traders in another local area, the burden of proving that such lower charge does not amount to an undue preference shall lie on the Railway Administration.

Unequal rates for like traffic or services.

(ii) In deciding whether a lower charge does or does not amount to an undue preference, the Court may within its discretion entertain, besides any other considerations affecting the case, the consideration whether such lower charge is necessary for the purpose of securing, in the interests of the public, the traffic in respect whereof it is made.

22. It shall be lawful for the Railway Administration to carry letters on railway service, or letters containing invoices or railway receipts for traders.

Letters to be carried by railway.

23. All actions and suits which, if the railway were the property of a company under the "Companies Enactments, 1897," having its registered office in the Federated Malay States, might be brought by and against such company, may be brought by and against the Railway Administration; and for the purpose of all such actions and suits, the land, buildings, rolling stock and other property appertaining to the said railway shall be deemed to be the property of the Railway Administration.

Actions by and against Railway Administration.

23A. (i) *Any railway official or other person generally or specially authorized in writing by the General Manager to act for the Railway Administration in respect of any judicial proceeding instituted or to be instituted by or against the Railway Administration in any Court of civil jurisdiction shall be deemed to be the recognized agent by whom appearances, acts, and applications under "The Civil Procedure Code, 1902," in respect of such judicial proceedings may be made or done on behalf of the Railway Administration.*

Conduct of suits on behalf of Railway Administration.  
E. 21 of 1916.

(ii) *Any railway official generally or specially authorized in writing by the General Manager in that behalf may, subject to the provisions of "The Criminal Procedure Code, 1902," conduct the prosecution in any Court of summary criminal jurisdiction of any person who is accused of any offence against this Enactment or of any offence committed upon a railway.*

Authority to prosecute in certain cases.

24. (i) Without the previous sanction of the Chief Secretary to Government none of the rolling stock, machinery, plant, tools, fittings, materials, or effects used or provided by the Railway Administration for the purpose of the traffic on the railway or of its stations or workshops shall be liable to be taken in execution of any decree, or order of any Court, or of any local authority, or person having by law power to attach or distrain property or otherwise to cause property to be taken in execution.

Restriction on execution against Railway Administration.

(ii) Nothing in sub-section (i) is to be construed as affecting the authority of any Court to attach the earnings of the railway in execution of a decree or order.

**25.** (i) Any summons, notice, order, or other document required to be served upon the Railway Administration may be served by leaving the same or sending it through the post by a registered letter addressed to the General Manager, Federated Malay States Railways.

(ii) Where a summons, notice, order, or other document is served by post, it shall be deemed to have been served at the time when the letter containing it would in the ordinary course of post be delivered ; and in proving such service it shall be sufficient to prove that the letter containing the summons, notice, order, or other document was properly addressed and registered.

**26.** (i) All officials of the railway shall be deemed to be public servants for the purposes of Chapter IX of the Penal Code.

(ii) *Except in the case of persons appointed to serve as railway police and vested with powers, privileges, and duties under the provisions of "The Police Force Enactment, 1920,"* no such official shall be deemed to be a public servant for any other purposes of the Penal Code except those mentioned in sub-section (i), notwithstanding anything in Section 21 thereof contained.

**27.** (i) The Railway Administration shall, with the approval of the Chief Secretary to Government, make rules to regulate

- (a) the mode in which and the speed at which carriages and wagons used on the railway are to be moved or propelled ;
- (b) the fares to be paid by passengers ;
- (c) the times at which trains are to run ;
- (d) the maximum number of passengers to be carried in any compartment, and the mode in which such number shall be notified upon such compartment ;
- (e) the provision to be made for the accommodation and convenience of passengers ;
- (f) the classification of goods and the rates to be charged for carriage thereof ; and what articles are to be deemed " dangerous " articles ;
- (g) the terms and conditions on which the Railway Administration will warehouse or retain goods at any station on behalf of the consignee or owner ;
- (h) and generally for use of the railway by the public and its working and management.

(ii) All such rules shall come into operation immediately upon publication in the *Gazette* ; and notices containing a copy thereof, together with notices containing an abstract of this Enactment, shewing all offences punishable hereunder, and the penalties attaching thereto, printed in English, Malay, Chinese, and Tamil, shall be permanently and conspicuously exhibited at all railway stations ; and upon proof of the due exhibition of such notices, knowledge of the contents thereof shall be presumed as against any person using a railway.

Service of  
summonses,  
notices, etc.

Government  
railway  
officials  
public  
servants.

E. 23 of 1920.

Rules to be  
made.

28. All rules which are in force at the coming into operation of this Enactment, and which are not inconsistent with any of its provisions, shall continue to be in force until repealed or amended by rules made under the preceding section.

Existing rules to continue in force until superseded.

29. No railway, portion of, extension of, or addition to the railway shall be opened for the public use until the Railway Administration shall have given notice to the Chief Secretary to Government in writing that the same is intended to be so opened for the public use, and until an officer appointed in that behalf by the Chief Secretary to Government shall have inspected the same, and shall have reported to the Chief Secretary to Government that the opening of the same would not in his opinion be attended with danger to the public using the same.

Conditions under which railway may be opened.

30. The Railway Administration shall, within forty-eight hours after the occurrence upon the railway of

Report to be made of all accidents.

- (a) any accident attended with loss of human life or serious injury to person or property ;
- (b) any accident of a description usually attended with such loss or injury ; and
- (c) any accident of any other description which the Chief Secretary to Government may from time to time direct to be so notified ;

give notice thereof to the Chief Secretary to Government, and the station-master nearest to the place at which the accident occurs, or, where there is no station-master, the officer in charge of the section of the railway upon which the accident occurs shall without unnecessary delay give notice in writing or by telegraph, of such accident, to the nearest Magistrate and to the officer in charge of the police station in the jurisdiction of which the accident has occurred, or to such other Magistrate and police officer as the Chief Secretary to Government may from time to time appoint in this behalf.

31. The Railway Administration shall make up and forward to the Chief Secretary to Government a return of all accidents occurring in the course of the public traffic upon the railway, whether attended with personal injury or not, in such form and manner, and at such intervals of time, as the Chief Secretary to Government directs.

Periodical returns to be forwarded.

32. Any station-master or other person omitting to give notice as required by Section 30 shall be punished with a fine which may extend to twenty-five dollars.

Fine for omission to give notice.

33. *No person shall enter any carriage used on a railway or any steamer or other vessel used for carrying on the traffic of a railway, for the purpose of travelling therein, without having first paid his fare and obtained a ticket. Every person desirous of travelling on the railway shall, upon payment of his fare, be furnished with a ticket specifying the class of carriage or accommodation for, and the station or place from and the station or place to which the fare has been paid, and shall, when required, shew his ticket to any railway officials duly authorized to examine the same, and shall deliver up such ticket upon demand to any of the railway officials duly authorized to collect tickets.*

Fares to be prepaid. Passenger tickets to be given up on demand.  
E. 21 of 1916.

E. 21 of 1918.

*Any person travelling without a ticket or not producing or delivering up his ticket as aforesaid shall be liable to pay*

(a) *the fare for the distance travelled or where there is any doubt as to the station or place from which he started the fare from the station or place from which the train, steamer, or vessel originally started, and also*

(b) *a special charge of fifty cents, twenty-five cents, or ten cents according as he travelled in a carriage or enjoyed accommodation of the first, second, or third class.*

*Such fare and special charge shall be paid on demand to any railway official duly authorized to collect tickets and, if not so paid, payment thereof may be enforced in the same manner as any fine imposed under this Enactment.*

Fare and  
freight to be  
accepted  
conditionally.  
E. 21 of 1916.

**34.** *The fare and freight paid for the conveyance of passengers or goods by any particular train, steamer, or other vessel shall be deemed to be accepted only upon condition that there be room in such train, steamer or other vessel for the passengers or goods to be conveyed. In case there shall not be room for all the passengers or goods, those passengers who shall have obtained tickets for the longest distance shall have the preference, and those who shall have obtained tickets for the same distance shall have the preference according to the order in which they shall have received their tickets ; and the like order shall be observed as to the goods : provided that all officers and troops on duty and all other persons travelling on the business of the Government of the Federated Malay States or of the Colony of the Straits Settlements or of Johore, shall be entitled to be conveyed on the railway in preference to, or in priority over, the public, without reference to the distance for which, or the order in which, they shall have received their tickets.*

Penalty for  
fraud.

**35.** *Any person who shall defraud or attempt to defraud the Railway Administration by travelling or attempting to travel upon a railway without having previously paid his fare ; or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare ; or by continuing his journey in or upon any of the carriages beyond the station for which he shall have paid his fare, without having previously either paid the fare for the additional distance or obtained the sanction of the station-master or guard of the train ; or who shall knowingly and wilfully refuse or neglect, on arriving at the station to which he shall have paid his fare, to quit such carriage and railway premises ; or who shall transfer or profit by the transfer of the return half of any ticket obtained by him, or who shall in any other manner whatever attempt to evade the payment of his fare, shall be liable to a fine not exceeding fifty dollars for each offence.*

E. 21 of 1918.

Fine for enter-  
ing carriage in  
motion or riding  
on the steps

**36.** *Any passenger who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit any carriage upon a railway while such carriage is in motion ; or who shall ride or attempt to ride upon the railway on the steps, platform, or any other part of a carriage, except such parts as are intended for the accommodation of passengers, shall be liable to a fine not exceeding ten dollars for each offence.*



37. Any person other than the engine-man and fireman and assistant fireman, if any, who, without the special license of the Railway Administration or Locomotive Superintendent, shall ride or attempt to ride upon any locomotive engine or tender upon the railway, and any person other than the guard or brakesman, who, without special permission of the Railway Administration or Traffic Manager, shall ride or attempt to ride upon the railway in or upon any luggage van or goods wagon, or other vehicle not appropriated to the carriage of passengers, shall be liable to a fine which may amount to twenty dollars for each offence.

Fine for riding on engine, tender, or luggage-van.

38. If any person shall smoke, or shall expectorate, or shall chew betel, bhang, tobacco, opium, or other like substance, either on the premises or in or upon any of the carriages belonging to the railway, where such smoking, expectoration, or chewing is prohibited, he shall be liable to a fine which may amount to ten dollars for each offence; and if any person persist in infringing this regulation, after being warned to desist by any railway official or passenger, such person, in addition to incurring the liability above mentioned, may be removed by any official from any such carriage, and from the premises appertaining to the railway, and shall *if a passenger* forfeit his fare.

Smoking, etc., and chewing of betel prohibited.

E. 21 of 1916.

39. Any person who *shall behave in a disorderly manner* or shall be in a state of intoxication, or be insufficiently or indecently clad, or who shall commit any nuisance or act of indecency in any railway carriage, or upon any part of the premises appertaining to a railway, or who shall wilfully and without lawful excuse interfere with the comfort of any passenger on the railway, shall be liable to a fine not exceeding twenty dollars, or to imprisonment, with or without hard labour, for any term not exceeding three months, or to both; and in addition to such liability, the offender may be removed by any railway official from any such carriage, and also from the premises appertaining to the railway, and shall *if a passenger* forfeit his fare.

Penalty for intoxication or nuisance.

E. 23 of 1920.

40. Any person making improper use of the emergency signal apparatus provided in any carriage or on any train by the Railway Administration for the use of passengers to stop a train in the case of emergency shall be liable to a fine not exceeding fifty dollars.

Penalty for improper use of emergency signal apparatus.

41. If any special carriage or portion of a carriage, or any private room or apartment, shall be provided for the exclusive use of females, or of females and children, or otherwise, any person, other than those for whom such special provision is made who, without lawful excuse, shall enter such carriage, or portion of a carriage, or any such room or apartment, knowing the same to be appropriated as aforesaid, or shall remain therein, after having been informed of its exclusive appropriation, or if any special carriage or compartment has been reserved for the private use of any person or persons, and any one without lawful excuse shall enter such carriage or compartment knowing the same to be reserved or remain therein after being requested to leave, or if any passenger of one class shall knowingly and wilfully refuse or neglect to leave any room or place set apart for passengers of a higher class, such person shall

Penalty for entering private room or carriage.

E. 21 of 1916.

be liable to a fine which may amount to fifty dollars and may be removed therefrom and also from the premises appertaining to the railway, by any railway official, and shall if a *passenger* forfeit his fare.

Provisions as to liability in respect to carriage of certain animals.

42. (i) The responsibility of the Railway Administration for the loss, destruction, or deterioration of animals delivered to it, to be carried on the railway, shall not in any case exceed, in the case of horses, three hundred and fifty dollars a head, or in the case of mules, donkeys, or horned cattle, one hundred dollars a head, or in the case of sheep, goats, dogs, or other animals, twenty dollars a head, unless the person sending or delivering them to the Railway Administration caused them to be declared, or declared them at the time of their delivery for carriage by railway to be, respectively, of higher value.

(ii) When such higher value has been declared, the Railway Administration may charge, in respect of the increased risk, a percentage upon the excess of the value so declared over the respective sums aforesaid.

(iii) The Railway Administration shall not under any circumstances be liable for the loss, destruction, or deterioration of any animal if such loss, destruction, or deterioration be due to fright or restiveness not caused by negligence or misconduct on the part of any railway official, nor for any loss or damage arising from delay in the conveyance of any animal not caused by such negligence or misconduct as aforesaid.

Liability in respect of vehicles.  
E. 14 of 1913.

42A. (i) *The Railway Administration shall not be liable for the loss, destruction, or deterioration of any traction engine, motor car, or other vehicle delivered to it to be carried on the railway unless such vehicle shall have been delivered into the custody of a railway clerk or station-master and a written acknowledgment of the receipt by the Railway Administration of such vehicle shall have been obtained.*

(ii) *The responsibility of the Railway Administration for the loss, destruction, or deterioration of traction engines, motor cars, and other vehicles delivered into the custody of a railway clerk or station-master to be carried on the railway and in respect whereof such written acknowledgment as is referred to in sub-section (i) has been obtained shall not extend to the payment, in respect of any one vehicle, of any sum in excess of the limits hereby prescribed—that is to say,*

<i>in the case of a traction engine or motor car of a kind not herein otherwise specifically referred to</i>	..	\$200
<i>in the case of a coach, carriage, ghari, or omnibus</i>	..	100
<i>in the case of a motor-bicycle or motor-tricycle</i>	..	50
<i>in the case of any other vehicle</i>	.. ..	10

*except where the person delivering or causing delivery of a vehicle into the custody of a railway clerk or station-master declared it in writing or caused it to be declared in writing at the time of such delivery to be of a value exceeding the limit hereinbefore prescribed in respect of such vehicle and paid by way of compensation for increased risk a sum (in addition to the prescribed charge for carriage by railway)*

equal to one per cent. upon the excess of the value so declared over the limit hereinbefore prescribed.

(iii) In this section the expressions "traction engine" and "motor car" have the meanings assigned to them respectively in "The Traction Engines and Motor Cars Enactment, 1912," and the term "vehicle" includes, in addition to the vehicles mentioned in sub-section (i), carts, wagons, vans, lorries, jinrikishas, bicycles, tricycles, hand-carts, and other vehicles used or intended to be used for the conveyance of persons or goods.

43. (i) The Railway Administration shall not be responsible for the loss, destruction, or deterioration of any passengers' luggage unless it has been delivered into the custody of a railway official.

Liability as to  
passengers'  
luggage.  
E. 14 of 1913.

(ii) The responsibility of the Railway Administration for the loss, destruction, or deterioration of passengers' luggage delivered into the custody of a railway official shall not, unless such luggage have been registered under any system for the registration of passengers' luggage in force under Section 27 or Section 28, extend to the payment, in respect of any one package and its contents, of any sum in excess of the limits hereby prescribed—that is to say,

<i>in the case of luggage of a passenger duly furnished with a ticket for a carriage of the 1st class .. ..</i>	<i>\$50</i>
<i>in the case of luggage of a passenger duly furnished with a ticket for a carriage of the 2nd class .. ..</i>	<i>30</i>
<i>in the case of luggage of a passenger duly furnished with a ticket for a carriage of any class inferior to the 2nd class .. .. .</i>	<i>20</i>

44. (i) When any articles mentioned in the second schedule hereto are contained in any parcel or package delivered to the Railway Administration for carriage by railway, and the value of such articles exceeds one hundred dollars, the Railway Administration shall not be responsible beyond such sum for the loss, destruction, or deterioration of the contents of such parcel or package unless the person sending or delivering the parcel or package to the Railway Administration caused its value and contents to be declared, or declared them at the time of the delivery of the parcel or package for carriage by railway, and, if so required by the Railway Administration, paid or engaged to pay a percentage on the value so declared by way of compensation for increased risk.

Liability as to  
articles of  
special value.

(ii) When any parcel or package, of which the value has been declared under sub-section (i), has been lost or destroyed or its contents have deteriorated, the compensation recoverable, in respect of such loss, destruction, or deterioration, shall not exceed the value so declared, and the burden of proving the value so declared to have been the true value shall, notwithstanding anything in the declaration, lie on the person claiming the compensation.

(iii) The Railway Administration may make it a condition of carrying a parcel declared to contain any article mentioned in the second schedule hereto that the railway servant authorized in that behalf has been satisfied by examination or otherwise that the parcel actually contains the article declared to be therein.

(iv) The foregoing provisions of this section shall not apply to any parcel carried by railway for any postal authority.

Liability in  
case of through  
booking by rail  
and boat.

**45. (i)** When the Railway Administration contracts to carry passengers, animals, luggage, or goods partly by railway and partly by sea, a condition exempting the Railway Administration from responsibility for any loss of life, personal injury, or loss of or damage to animals, luggage, or goods which may happen during the carriage by sea from the act of God, the States' enemies, fire, accidents from machinery, boilers, and steam and all and every other dangers and accidents of the seas, rivers, and navigation of whatever nature and kind soever shall, without being expressed, be deemed to be part of the contract; and, subject to that condition, the Railway Administration shall, irrespective of the nationality or ownership of the ship used for the carriage by sea, be responsible for any loss of life, personal injury, or loss of or damage to animals, luggage, or goods which may, without its actual fault or privity, happen during the carriage by sea, whether from improper navigation or management of the ship or otherwise, to the following extent only—that is to say:

(a) In respect of loss of life or personal injury to any passenger, either alone or together with loss of or damage to animals, luggage, or goods, the Railway Administration shall not be liable to damages beyond an aggregate amount not exceeding one hundred and twenty-five dollars for each ton of the vessel used for the carriage by sea;

(b) In respect of loss of or damage to any animals, luggage, or goods, whether there be in addition loss of life or personal injury or not, the Railway Administration shall not be liable to damages beyond an aggregate amount not exceeding sixty dollars for each ton of the vessel used for the carriage by sea.

(ii) For the purposes of this section the tonnage of a steam vessel shall be her gross tonnage, and the tonnage of a sailing vessel shall be her registered tonnage.

(iii) The limitation of liability under this section shall relate to the whole of any losses or damages which may arise upon any one distinct occasion, although such losses or damages may be sustained by more than one person.

(iv) The burden of proving that any such loss, injury, or damage, as is mentioned in sub-section (i), happened during the carriage by sea shall be upon the Railway Administration.

Liability in case  
of carriage by  
water.  
E. 31 of 1914.

**45A.** *When the Railway Administration contracts to carry by river or sea but not by railway any merchandise, machinery, bales, boxes, casks, crates, or any other article or thing whatsoever for trans-shipment from a ship or boat to another ship or boat or to the shore or from the shore to any ship or boat, the Railway Administration shall not be liable for loss of or damage to any article or thing which in pursuance of such contract is in or upon any ship, boat, lighter, or other vessel of or employed by the Railway Administration, whether the same be in motion or not, unless such loss or damage shall arise*

*from or be caused by the wilful default of the Railway Administration or its servants.*

46. In any suit against the Railway Administration for compensation for loss, destruction, or deterioration of animals or goods or passengers' luggage delivered to the Railway Administration for carriage by railway it shall not be necessary for the plaintiff to prove how the loss, destruction, or deterioration was caused. In every such proceeding the burden of proving the value of the animals or goods or passengers' luggage and, where the same have been injured, the extent of the injury, shall lie upon the person claiming the compensation.

Burden of proof in respect of loss of animals or goods.

E. 14 of 1913.

47. A person shall not be entitled to a refund of an overcharge in respect of animals or goods carried by the railway, or to compensation for the loss, destruction, or deterioration of animals or goods delivered to be so carried, unless his claim to the refund or compensation has been preferred in writing by him or on his behalf to the Railway Administration within three months from the date of the delivery of the animals or goods for carriage by railway.

Notification of claims to refund of overcharges and to compensation for losses.

48. Notwithstanding anything in the provisions of the *eight* preceding sections the Railway Administration shall not be responsible for the loss, destruction, or deterioration of any goods with respect to the description of which an account materially false has been given to the Railway Administration by the owner or person having charge thereof, if the loss, destruction, or deterioration is in any way brought about by the false account, and the Railway Administration shall not be responsible in any case for an amount exceeding the value of the goods, if such value were calculated in accordance with the description contained in the false account.

Exoneration from responsibility in case of goods falsely described.

E. 21 of 1916.

49. If any person shall fail to pay, on demand, any sum due for the conveyance of any goods, it shall be lawful for the Railway Administration to detain all or any part of such goods, or if the same shall have been removed from the premises appertaining to the railway, any other goods of such person which shall then be on the railway premises, or shall thereafter come into the possession of the Railway Administration, and also, after reasonable notice to such person, to sell by public auction a sufficient quantity of such goods to realize the sum payable as aforesaid and all charges and expenses of such detention and sale; and out of the proceeds of the sale to retain the sum so payable, together with the charges and expenses aforesaid, rendering the surplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; or the Railway Administration may recover any such sum by action at law. The goods of passengers may also be detained and sold, and the proceeds disposed of, as above provided, for non-payment of the fare due by them.

Remedy for non-payment of the carriage of goods.

50. The owner or person having the care of any goods which shall have been carried upon the railway, or shall be brought to the premises appertaining to the railway, for the purpose of being carried on the railway, shall, on demand by any railway official, deliver to such official an exact account in writing, signed by him,

Written account of goods to be given on demand.

of the number or quantity and description of such goods. This provision shall not apply to passengers' luggage.

Penalty for giving no account or false account.

51. If any such owner or person as aforesaid shall, on demand by any railway official, fail to give such account, or if he shall wilfully give a false account, he shall for every such offence be liable to a fine not exceeding twenty dollars for every ton of goods and to a fine not exceeding ten dollars for any quantity of goods less than a ton.

Carriage of goods of a dangerous nature.

52. No person shall carry upon the railway any dangerous article, or be entitled to require any railway official to carry upon the railway any article which, in the judgment of any railway official, shall be of a dangerous nature, or so bulky that it would be unsafe for the railway to convey the same; and if any person shall carry upon the railway any dangerous article, or shall deliver for carriage any such article, without distinctly declaring the nature of the same, he shall be liable to a fine not exceeding one hundred dollars for every such offence; and it shall be lawful for any railway official to refuse to carry any luggage or parcel that may be suspected to contain articles of a dangerous nature, and to require the same to be opened; and in case any such luggage or parcel shall have been received by any railway official for the purpose of being carried on the railway it shall be lawful for any railway official to stop the transit thereof until he shall be satisfied as to the nature of the contents of the luggage or parcel.

Persons suffering from small-pox, etc., not allowed to use a railway.

53. If any person suffering from small-pox or other contagious or infectious disease shall wilfully enter upon the premises of, or travel by, the railway, he shall be guilty of an offence, and liable to a fine which may extend to two hundred and fifty dollars; and if any person whilst upon the premises of, or travelling by, the railway be discovered to be so suffering it shall be lawful for any railway official to remove him at the earliest opportunity; and such person may, in addition to any fine, be ordered to pay the amount of any expenses incurred in the disinfection of any carriage or portion of a carriage occupied by him while so travelling. Any such carriage, or portion of a carriage, shall be properly disinfected as soon as practicable, and shall not be used for the conveyance of passengers until it has been so disinfected. Notwithstanding anything in this section provided, it shall be lawful for any person suffering from any contagious or infectious disease to make use of the railway: provided that previously to entering any railway station he has obtained permission from the station-master.

Penalty for removing stakes or pegs, or defacing marks.

54. Any person who shall remove any stakes or pegs, or other marks, placed by any railway official along the line of the railway, or contiguous thereto, for the purpose of setting out, tracing, or shewing such line, shall be liable to a fine which may amount to twenty dollars.

Penalty for trespass.

55. Any person who shall trespass upon the railway or upon any of the lands, stations, or other premises appertaining to the railway shall be liable to a fine not exceeding ten dollars; and if any such person shall refuse to leave the railway or premises, on being

requested to do so by any railway official, he shall be liable to a fine not exceeding twenty dollars, and may be immediately removed therefrom.

56. Any person who shall wilfully ride, lead, or drive upon or across any railway any animal, bicycle, cart, or other vehicle except when crossing such railway at any road or place appointed for that purpose at a time at which he may lawfully do so, shall be liable to a fine not exceeding twenty dollars for each offence.

Penalty for driving an animal upon or across the railway.

57. When the railway crosses any public carriage road (not defined to be an occupation crossing as hereinafter provided) on a level, the Railway Administration shall, when the line is open for traffic, cause to be erected and maintained good and efficient gates at the point where the railway crosses the road, and shall employ proper persons to open and shut such gates; and such gates shall be of such dimensions and so constructed as when closed to fence in the railway, and prevent persons, cattle, or horses passing along the road from entering upon the railway; and shall be kept closed against the railway except when engines or carriages passing along the railway shall have occasion to cross the road: provided that it shall be lawful for the Chief Secretary to Government in any case to order that any of such gates may be kept closed against the road instead of against the railway. The Chief Secretary to Government may impose any conditions with regard to such order.

Precautions when railway crosses road.

58. (i) It shall be lawful for the Chief Secretary to Government from time to time to declare, by notification in the *Gazette*, any road or path which a railway may cross to be an "occupation crossing." The gates of such occupation crossings are not to close across the railway and are to be kept locked by means of padlocks, the keys of which shall be kept by railway officials.

Occupation crossings.

(ii) A duplicate of the key of the padlock of the gates of any occupation crossing may be entrusted by the Railway Administration to any person having frequent occasion to use such occupation crossing, to be retained during the pleasure of the Railway Administration, and used by him at his discretion, subject to a penalty of five hundred dollars for misuse.

(iii) Any other person desiring to use an occupation crossing must give such notice of his intention to do so as may from time to time be appointed by the Chief Secretary to Government to the railway official with whom the key of the padlock is deposited. The Railway Administration will define from time to time the hours suitable for such openings, and the gates shall only be opened by such railway official at the times so defined by the Railway Administration. Cattle passing over the occupation crossing must not be driven, but led by a suitable and properly secured halter. Any person other than a person entrusted with a key under sub-section (ii), who may use or attempt to use an occupation crossing without such notice as aforesaid, or at hours other than those defined as aforesaid, and any person causing cattle to cross without such halter as aforesaid, and the owner of any cattle so crossing, shall be guilty of an offence, and be liable to a fine which may amount to twenty

dollars, or to imprisonment, with or without hard labour, not exceeding three months.

(iv) Occupation crossings may, with the approval of the Chief Secretary to Government, be sanctioned and opened upon any existing line at the discretion of, and upon conditions imposed by, the General Manager, the first cost of construction and an annual rent for maintenance being payable by the person for whom such crossing may be constructed.

(v) It shall be at all times within the power and discretion of the General Manager, with the approval of the Chief Secretary to Government, to close any occupation crossing; or, in the event of the neglect of the owner or occupier to comply with the conditions imposed, with the like approval to appoint and maintain at such crossing an officer of the railway at the expense of the owner or occupier, and such expense shall be payable in addition to any other sums recoverable under this Enactment.

Liability of  
owner of  
animal  
trespassing.

E. 21 of 1916.

59. The owner of any animal which shall trespass or stray upon the railway, or upon any lands appertaining to the railway (such railway or lands being provided with suitable fences for excluding cattle), shall be liable to a fine not exceeding five dollars for each animal; and it shall be lawful for any railway official to take or drive every animal which shall be found so trespassing to the nearest police station, there to be detained until the highest amount of fine incurred by such trespass, and the expense of feeding and keeping the animal, be paid, or until a Magistrate shall otherwise order. Should the animal prove unmanageable *or be suffering from fatal or serious injury, it shall be lawful for any railway official not below the rank of station-master to shoot or otherwise destroy such animal*, and the owner will be liable to prosecution and fine if the trespass be proved. A Magistrate may, upon proof of the trespass, cause such animal to be sold by public auction, and the proceeds of the sale, after deducting therefrom such fine as the Magistrate shall award, and such further sum as the Magistrate shall order to be paid for the expense of detaining, feeding, and selling each animal, shall be returned to the owner of the animal on demand. Nothing in this section contained shall be deemed to render the Railway Administration liable for any injury to any animal trespassing or straying upon the railway, or upon any lands appertaining to the railway, for which the Railway Administration would not have been liable if this section had not become law.

Penalty for  
damage, wilful  
or negligent

60. (i) Any person who shall wilfully or negligently damage or injure any carriage, engine, wagon, truck, station, warehouse, bridge, tunnel, culvert, building, machine, rail points, or any other matter or thing belonging to the railway, or who shall remove sand or stone or earth or any other matter or thing from banks, bridges, culverts, retaining walls, or permanent way of the railway, or shall fell timber in a manner likely to endanger the safety of passing trains or of any person in or upon such trains, or to cause damage to the permanent way, shall be liable to a fine which may amount to one hundred dollars or to imprisonment of either description for a term not exceeding one year.



(ii) Any person who shall tie up the wires of wire fencing, break down or destroy any fencing or hedges, or do or cause to be done any act that shall damage or be likely to damage any fence or hedge appertaining to the railway, shall be liable to a fine not exceeding fifty dollars.

(iii) Any person who shall wilfully divert any stream or drain, or by any means cause water to flow on to the railway, or cause damage to the railway in any way by water, shall be liable to a fine not exceeding one hundred dollars.

(iv) Any person who having any contract for the supply of bricks, ballast, timber, fuel, or any other material to the railway, or being employed in connection with the supply to the railway of such material, shall negligently place or stack the said material in an unsafe or careless manner, or at less than the prescribed distance from the rails, so that the safety of passing trains or of any person in or upon such trains shall be endangered, shall be liable to a fine not exceeding fifty dollars.

**61.** If any person for whose use or accommodation any gate shall have been set up by any railway official, on either side of the railway, or any other person, shall open such gate, or pass, or attempt to pass, or drive, or attempt to drive, any cattle, carriage, or other animal or thing across the railway at a time when any engine or train approaching along the same shall be in sight or hearing or shall at any time omit to shut and fasten such gate as soon as he and any cattle, carriage, or other animal or thing under his charge shall have passed through the same, he shall be liable to a fine which may amount to fifty dollars.

Penalty for opening or not properly shutting gates.

**62.** If any person shall wilfully and maliciously put, place, cast, or throw upon or across the railway any wood, stone, matter or thing, or take up, remove, or displace any rail, sleeper, matter or thing belonging to the railway, or turn, move, or divert any points or other machinery belonging to the railway, or make, shew, hide, or remove any signal or light upon or near the railway, or do or cause to be done any act with intent, in any of the cases aforesaid, to upset, obstruct, overthrow, injure, or destroy any engine, tender, carriage, or truck used upon the railway, or to endanger the safety of any persons travelling or being upon the railway, or cast, throw, or cause to fall or strike against, into, or upon any engine, tender, carriage, or truck used upon the railway any wood, stone, or other matter or thing, with intent to endanger the safety of any person being in or upon such engine, tender, carriage, or truck, every such offender shall on conviction be liable to corporal punishment not exceeding twenty-four strokes, or fine which may amount to five hundred dollars, or imprisonment of either description for any period not exceeding twenty years, or to any two or more of these punishments.

Obstructing engine or carriages or endangering safety of passengers.

**63.** Whoever shall wilfully do any act, or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause, the safety of any person travelling or being upon a railway to be endangered, shall be liable to corporal punishment not exceeding twelve strokes,

Penalty for wilful act or omission endangering passenger.

or fine not exceeding one hundred dollars, or to imprisonment of either description for any term not exceeding seven years, or to any two or more of these punishments.

Penalty for drunkenness or breach of duty by railway official.  
E. 21 of 1916.

64. Any railway official who shall be in a state of intoxication whilst actually employed upon the railway, or any of the works connected therewith, in the discharge of any duty, and any railway official who *shall refuse or neglect* to perform his duty, or shall perform the same in an improper manner, shall be liable to a fine which may amount to twenty dollars, and if the duty be such that *the refusal or neglect to perform the same or the improper performance thereof as the case may be* is likely to endanger the safety of any person travelling or being upon the railway, such official shall on conviction be liable to imprisonment of either description for a term not exceeding one year, or to fine not exceeding one hundred dollars, or to both.

Penalty for an act not wilful.

65. If any person shall rashly or negligently, and without lawful excuse, do any act which shall be likely to endanger his own safety or that of any person travelling or being upon a railway, he shall upon conviction be liable to imprisonment of either description for a term not exceeding six months, or to fine which may amount to fifty dollars, or to both.

Breach of rules.

66. Any person who wilfully does any act which is forbidden, or neglects to do any act which is required, by the provisions of any rules framed under this Enactment, shall be liable on conviction to a fine not exceeding ten dollars.

Apprehension of offenders.

67. Every person who shall be guilty of any offence under this Enactment may be lawfully apprehended, without any warrant or written authority, by any railway official, or by any other person whom such railway official shall call to his aid, or by any police officer, and every person so apprehended shall, with all convenient despatch, be carried and conveyed *to the nearest Police Station* to be dealt with according to law.

E. 21 of 1916.

Rules for the construction of the Enactment.

68. In the construction of this Enactment, every railway official shall be deemed to be legally bound to do everything necessary for, or conducive to, the safety of the public, and every such official shall be legally prohibited from doing every act which shall be likely to cause danger.

Punishment of children for breach of Enactment.

69. And whereas many of the offences declared punishable by this Enactment may be committed by children whom it will not be expedient to punish in manner herein provided: it is therefore enacted that it shall be competent to any Magistrate before whom any person under the age of sixteen years shall be convicted of any offence to order the moderate chastisement of such person not exceeding twelve strokes with a light rotan instead of subjecting him to the punishment prescribed by this Enactment, and such chastisement shall be inflicted immediately if the Magistrate shall so direct.

Liability of offenders to pay costs of conviction.

70. In case of any conviction under this Enactment the Magistrate may order the offender to pay the costs of such conviction, in addition to any penalty or expenses to which he may be liable,

Such costs may be assessed by the Magistrate, and may be levied and recovered in the same manner as any penalty under this Enactment.

**71.** In every case in which any person shall be liable under the provisions of this Enactment to pay any sum of money, damages, or expenses, the same may be levied and recovered in the same manner as any penalties under this Enactment, and, if necessary, the amount thereof may be fixed and assessed by the Magistrate before whom the case shall be tried.

Recovery of money due, damages, and expenses.

**72.** All actions and prosecutions which may be lawfully brought against any person for anything done, or intended to be done, or omitted to be done under this Enactment shall be commenced within three months after the occurrence of the matter complained of and not otherwise.

Limitation of time for commencement of actions and prosecutions.

**73.** Any person who shall remove, deface, or in any way injure any document exhibited by the Railway Administration in accordance with the provisions of Section 27, or any notice posted by the Railway Administration at any station or anywhere else upon the railway, and any unauthorized person posting notices anywhere upon the railway, shall be liable to a fine which may amount to twenty dollars, or to imprisonment of either description for a term not exceeding three months.

Penalty for defacing notices, etc.

**74.** (i) The General Manager may at his discretion and subject to the proviso hereinafter contained summarily dismiss on the ground of misconduct, continued neglect of duty, incompetence, or inefficiency, any railway official not under agreement, and in receipt of a salary of less than two hundred and fifty dollars per month, or may suspend any such official from the performance of his duties, or may reduce such official to a lower grade: provided that any official so dismissed, suspended, or reduced shall have the right of appeal to the Chief Secretary to Government. If such suspension, dismissal, or reduction be confirmed by the Chief Secretary to Government, the official, if suspended, shall be thereupon dismissed from the service of the Government, or, if already dismissed by the General Manager, shall be deemed to be finally dismissed without further appeal.

Punishment to be imposed by General Manager.

(ii) The General Manager may from time to time make such by-laws as he shall think fit for the purpose of regulating the conduct of the officials employed on the railway. A copy thereof shall be given to every official affected thereby.

(iii) The General Manager may by such by-laws impose such reasonable penalties upon all persons, being officials employed on the railway, offending against such by-laws, as the said General Manager may think fit, not exceeding in any one month seven days' pay of any such official. Any such official who may feel aggrieved by any such penalty as aforesaid may appeal to the Chief Secretary to Government, whose decision shall be final.

(iv) The imposition of fines under sub-section (iii) hereof, upon any official employed on the railway, shall (subject to the appeal hereinbefore provided for) be wholly within the discretion of the

General Manager ; and in the event of his considering that any offence or misconduct in respect whereof such fine may have been incurred would be better dealt with by a criminal prosecution, he may institute such prosecution in lieu of the imposition of such fine.

Immunity from  
arrest.

**75.** No person connected with the direct working of a railway shall be removed under arrest by the police while actually engaged in the performance of his duties until the head of the department in which he is employed shall have had an opportunity of providing a substitute for him.

Steam boilers.

**76.** Boilers kept in use by a Railway Administration shall not be subject to the provisions of "The Steam Boilers Enactments, 1908."

#### FIRST SCHEDULE.

State.	No. and year.	Short title.
Perak ..	15 of 1903	The Railways Enactment, 1903
Selangor ..	12 of 1903	Do.
Negri Sembilan ..	21 of 1903	Do.
Pahang ..	15 of 1903	Do.
Perak ..	21 of 1904	The Railways Enactment, 1903, Amendment Enactment, 1904
Selangor ..	20 of 1904	Do.
Negri Sembilan ..	20 of 1904	Do.
Pahang ..	13 of 1904	Do.
Perak ..	1 of 1910	The Railways Enactment, 1903, Amendment Enactment, 1910
Selangor ..	20 of 1909	The Railways Enactment, 1903, Amendment Enactment, 1909
Negri Sembilan ..	21 of 1909	Do.
Pahang ..	23 of 1909	Do.

#### SECOND SCHEDULE.

##### ARTICLES TO BE DECLARED AND INSURED.

(See Section 44.)

(a) Gold and silver, coined or uncoined, manufactured or unmanufactured ;

(b) Plated articles ;

(c) Cloths and tissue and lace of which gold or silver forms part not being the uniform or part of the uniform of an officer, soldier, sailor, police officer, or of any public officer entitled to wear uniform ;

(d) Pearls, precious stones, jewellery, and trinkets ;

(e) Watches, clocks, and timepieces of any description ;

(f) Government securities ;

- (g) Government stamps ;
- (h) Bills of exchange, hundis, promissory notes, bank notes, and orders or other securities for payment of money ;
- (i) Maps, writings, and title-deeds ;
- (j) Paintings, engravings, lithographs, photographs, carvings, sculpture, and other works of art ;
- (k) Art pottery and all articles made of glass, china, or marble ;
- (l) Silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials ;
- (m) Shawls ;
- (n) Lace and furs ;
- (o) Opium ;
- (p) Ivory, ebony, coral, and sandalwood ;
- (q) Musk, sandalwood-oil, and other essential oils used in the preparation of perfume ;
- (r) Musical and scientific instruments ;
- (s) Any article of special value which the Chief Secretary to Government may, by notification in the *Gazette*, add to this schedule.

## ENACTMENT NO. 6 OF 1912.

As amended by Fed. Enactments 12 and 27 of 1913, 32 of 1914, 18 of 1917, 2 and 22 of 1918, 1, 17, and 31 of 1919.

An Enactment to make provision for matters relating to Labour.

ARTHUR YOUNG, [21st September, 1912.  
*President of the Federal Council.* 10th December, 1912.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

### PART I.

#### PRELIMINARY.

##### CHAPTER I.

#### SHORT TITLE AND REPEAL.

Short title  
and commence-  
ment.

1. This Enactment may be cited as "The Labour Code, 1912," and shall come into force upon such a date as shall be appointed by the Chief Secretary to Government by notification in the *Gazette*.

Repeal.

2. The Enactments mentioned in the first schedule are hereby repealed.

Saving of  
Netherlands  
Indian Labour-  
ers' Protection  
Enactments,  
1909.

3. The provisions of Part VIII of this Enactment shall, as near as may be, apply to natives of Netherlands India and the places where they are employed, but with this exception none of the provisions of this Enactment which may be inconsistent with the provisions of the Netherlands Indian Labourers' Protection Enactments, 1909, shall apply to any native of Netherlands India who has entered into a contract of service under the provisions of those Enactments or to the employers with whom such contract of service has been entered into.

##### CHAPTER II.

#### INTERPRETATION.

Interpretation.

4. For the purposes of this Enactment unless the context otherwise requires :

"Agreement."

"Agreement" means a verbal engagement to labour entered into in accordance with the provisions of this Enactment.

“Contract” means a written engagement to labour entered into in accordance with the provisions of this Enactment. “Contract.”

“Contract labourer” means a person who is legally bound to labour by virtue of a contract. “Contract labourer.”

“Court” means the Court of a Magistrate of the First Class. “Court.”

“Domestic servant” includes coachmen, grooms, motor-car drivers, gardeners, water-carriers, and other house, stable, or garden servants employed in, or in connection with, the domestic services of any public or private dwelling-house or eating-house. “Domestic servant.”

“Employer” includes every person and every body of persons, corporate or unincorporate, who or which enters into an agreement or contract with any labourer as hereinafter defined, and the duly authorized agent or manager of such person or body of persons. “Employer.”

“Immigrant ship” means a ship carrying immigrants. “Immigrant ship.”

“Labourer” includes every Asiatic artificer, miner, servant in husbandry, and every other Asiatic employed for the purpose of personally performing any manual labour or of recruiting or supervising Asiatics for, or in the performance of, such labour, but does not include domestic servants. “Labourer.”

“Lines” means any building or collection of buildings used or intended to be used, either temporarily or permanently, for the housing of labourers employed on an estate. “Lines.”

“Master” means the person for the time being in charge of a ship. “Master.”

“Medical Officer” means the Principal Medical Officer, Federated Malay States, and includes any officer to whom the Principal Medical Officer shall, by writing under his hand, have delegated the exercise or performance of all or any of the powers or duties conferred or imposed on a Medical Officer by this Enactment to the extent of the powers or duties so delegated. “Medical Officer.”

“Place of employment” means any place where work is carried on by or on behalf of an employer. “Place of employment.”

“Port Officer” includes the Conservator of a Port or the Harbour Master. “Port Officer.”

“Protector” means the Secretary for Chinese Affairs and includes such other officers as the Chief Secretary to Government may declare, by notification in the *Gazette*, to be vested with the powers conferred upon the Protector by this Enactment. “Protector.”

“Resident” means the Resident of the State in which the place of employment is situated. “Resident.”

“Ship” includes every kind of vessel used for the conveyance of passengers by water whether propelled by oars or otherwise. “Ship.”

5. (i) It shall be lawful for the Chief Secretary to Government to appoint an officer to be styled the “Controller of Labour,” hereinafter referred to as “the Controller,” and also to appoint one or more officers to be styled “Deputy Controller of Labour,” or “Assistant Controller of Labour,” who, subject to such limitations as the Chief Secretary to Government may by rule prescribe, may Controller of Labour.

perform all duties imposed and exercise all powers conferred on the Controller by this Enactment, and every duty so performed shall be deemed to have been duly performed for the purposes of this Enactment.

(ii) It shall also be lawful for the Chief Secretary to Government to appoint such other officers as he may deem necessary for the purpose of giving effect to the provisions of this Enactment.

Existing  
Enactments  
not affected.

6. Nothing in this Enactment shall operate to relieve any employer of any duty or liability imposed upon him by the provisions of any other Enactment for the time being in force or to limit any powers given to any Government officer by any such Enactment.

Extent of  
retrospective  
action of  
Enactment.

7. All agreements and contracts valid and in force at the date of the coming into force of this Enactment shall continue to be in force after such date, and, subject to the express provisions in any such agreement or contract contained, the parties thereto shall be subject to and entitled to the benefit of the provisions of this Enactment.

## PART II.

### PROVISIONS RELATING TO IMMIGRATION.

#### CHAPTER III.

#### ARRIVAL, EXAMINATION, AND DETENTION OF IMMIGRANTS.

Examination  
depôts.

8. It shall be lawful for the Chief Secretary to Government

(a) to establish at any port in the Federated Malay States depôts for the examination of immigrants (hereinafter called examination depôts);

Detention  
depôts.

(b) to establish at any place in the Federated Malay States depôts for the detention of indebted immigrants (hereinafter called detention depôts).

Ports and  
places at which  
immigrants  
may land or  
enter the  
Federated  
Malay States.

9. (i) No immigrant shall land in or enter the Federated Malay States except at such ports and places as the Chief Secretary to Government may, by notification in the *Gazette*, prescribe, or at such ports or places until authorized by the Controller of Labour or an officer of his department.

Penalty and  
presumption.

(ii) Any master causing or permitting any immigrant to land contrary to the provisions of sub-section (i) shall be liable to a fine not exceeding fifty dollars for each immigrant so landing. A master from whose ship an immigrant shall land contrary to the provisions of sub-section (i) shall, in the absence of proof to the contrary, be deemed to have caused or permitted him so to land.

Arrival of ships  
to be signalled.

10. Ships having any immigrants on board shall, on arrival within signalling distance of any port prescribed under the provisions of the last preceding section, hoist such signals as may be prescribed by rules under this Enactment.



11. On the arrival of the ship the Port Officer shall give immediate notice to the Controller of Labour, or in the case of an immigrant ship arriving at a port in the Federated Malay States on a voyage from China to the Protector, who shall forthwith proceed on board.

Controller to receive notice of arrival and go on board.

12. (i) Subject to the provisions of the Customs Regulations Enactments, 1907, it shall not be lawful for any person other than the Controller of Labour, Medical Officer, Port Officer, the Chief Police Officer, or any of their subordinate officers, or in the case of an immigrant ship arriving at a port in the Federated Malay States on a voyage from China the Protector, or the owner, agent, or consignee of an immigrant ship to communicate with any such ship on its arrival in port, except for the purpose of landing passengers or disembarking immigrants under the provisions of this Part until after the immigrants on board thereof have been disembarked; and no immigrant shall disembark or land, or attempt to disembark or land, from any such ship except as provided by this Part or by rules made under this Enactment.

No communication with ship till after immigrants landed except by certain officers.

(ii) Nothing in this section shall be held to prevent the Consul-General, Consul, Vice-Consul, or Consular Agent of any foreign Power from boarding any ship of the nationality represented by him.

Exemption.

(iii) Any person communicating, or attempting to communicate, with any immigrant ship contrary to the provisions of sub-section (i), and any immigrant disembarking, or attempting to disembark, contrary to the provisions of this Enactment, and any person aiding or abetting any immigrant to disembark from any such ship, contrary to the provisions of this Enactment, shall be liable to a fine not exceeding five hundred dollars and in default of payment to imprisonment of either description for a period not exceeding six months.

Penalty.

13. (i) Any immigrant who refuses or omits to go to a detention dépôt or to an examination dépôt and there to be examined when required so to do by a duly authorized officer, and any immigrant who absconds, or attempts to abscond, from such dépôt before his examination is completed, shall be guilty of an offence, and may be arrested by any police officer or by an officer authorized by the Controller or the Protector and taken to an examination dépôt or to the Chinese Protectorate or to a police station and detained there until he can be brought before the Controller or the Protector.

Immigrants refusing to go to a dépôt or absconding.

(ii) Any person who commits, or who abets the commission of, an offence under this section shall be liable, on conviction, to a penalty not exceeding twenty-five dollars or to imprisonment of either description for any term not exceeding one month.

Penalty.

14. Any person who shall induce, or attempt to induce, to go to any other place other than a dépôt established under this Enactment, or who shall entice, or attempt to entice, away from a dépôt any immigrant who has been lawfully required to go to, or is lawfully detained in, a dépôt under this Enactment, shall be liable to a fine not exceeding fifty dollars or to imprisonment of either description

Enticing immigrant from dépôt.

for a term not exceeding seven days for each immigrant in respect of whom such offence shall have been committed, or attempted to be committed.

#### CHAPTER IV.

### SPECIAL PROVISIONS RELATING TO CHINESE IMMIGRANTS.

Limitation of application.

15. The provisions of this Chapter shall only apply to immigrants from China and shall, where such provisions are repugnant to the other provisions of this Enactment, be taken to repeal for the purpose of carrying into effect this Chapter such other provisions but except in so far as necessary to give effect to this section the provisions of this Chapter shall be additional to, and in extension of, the other provisions of this Enactment.

Interpretation.

16. In this Chapter unless the context otherwise requires :

"Advances,"

"Advances" includes maintenance and clothes provided and cash given, whether provided or given in China or on board ship or in the Colony, and all expenses of bringing an immigrant from China.

"China,"

"China" includes Hongkong, Macao, and all such territory as formed part of the Chinese Empire on the 1st day of January, 1841.

"China immigrant ship."

"China immigrant ship" means an immigrant ship arriving at a port in the Federated Malay States on a voyage from China.

"Creditor."

"Creditor" means the person to whom an immigrant is found as hereinafter provided to be indebted for advances and includes a creditor's agent in the Federated Malay States.

"Immigrant."

"Immigrant" means a native of China (not being a first or second class passenger nor the personal servant of such passenger nor a person on the articles of a ship) travelling by sea to, or who has within one year arrived by sea at, any port of the Federated Malay States from China or from a port in the Colony at which he has within the two months preceeding such arrival landed from a vessel arriving at such port from China.

"Indebted immigrant."

"Indebted immigrant" means any immigrant who is found as hereinafter provided to be indebted for passage money and advances, whether he has before his arrival in the Federated Malay States entered into a contract or not.

E. 22 of 1911.

"Passage money."

"Passage money" includes the value of a passage supplied free.

"Passage money and advances."

"Passage money and advances" includes passage money without advances and advances without passage money.

"Qualified medical practitioner."

"Qualified medical practitioner" means (notwithstanding anything contained in the Medical Registration Enactments, 1907) the holder of any of the diplomas, degrees, or licenses from time to time specified by the Chief Secretary to Government as constituting the qualification of a qualified medical practitioner under this Enactment.

17. On the departure of an immigrant ship from China on a direct voyage to any port or ports in the Federated Malay States, or from Singapore or Penang on a voyage to any port or ports in the Federated Malay States, the agent or consignee of such ship at any such port shall forthwith inform the Protector in the State in which such port lies of the approximate date and, if possible, time of the arrival of such ship and of the number of immigrants to be landed at such port : provided that in the case of an immigrant ship departing from Singapore or Penang such agent or consignee need only inform the Protector of the number of persons travelling on such ship who are known to the master or to the agent in the Colony of such ship to be immigrants.

Departure of immigrant ship to be notified.

Proviso.

18. The master of every China immigrant ship shall on arrival at any port in the Federated Malay States prevent all immigrants from disembarking until such ship has been boarded as provided by Section 20.

Duty of master of China immigrant ship on arrival.

19. Any person who without reasonable excuse omits to comply with the provisions of Section 17 or of Section 18 shall be liable, on conviction, to a fine not exceeding two hundred and fifty dollars.

Penalty.

20. (i) On the arrival of a China immigrant ship at a port in the Federated Malay States she shall as soon as possible be boarded by an officer of the Chinese Protectorate, to whom the master of such ship shall give a list containing the names of all immigrants brought by such ship from China and such information relating to the immigrants, the payment of their passage money, the place of their embarkation, their state of health during the voyage, the deaths of or absence of any immigrants who may have been on board at any time at or after the ship's departure from her first port of departure in China on the voyage, and any other matters as he may reasonably be required to give for the purposes of this Enactment or of "The Women and Girls' Protection Enactment, 1914."

Boarding of ship by officer. Master to give information.  
E. 32 of 1914.

(ii) The master of a China immigrant ship intentionally omitting to comply with the provisions of sub-section (i) or furnishing as true any list or information which he knows or has reason to believe to be false, or refusing to answer such questions as such officer may reasonably put to him for the purposes of this Enactment, shall be guilty of an offence under Sections 176, 177, or 179 of the Penal Code, as the case may be.

Penalty.

21. When any China immigrant ship is boarded on arrival by an officer of the Chinese Protectorate such officer may cause all or any of the immigrants on board to be removed to an examination depôt, and any immigrant removed to such depôt shall on arrival thereat be examined by an officer of the Chinese Protectorate as to the payment of his passage money and as to any advances that may have been received by him and as to any engagement to repay such passage money and advances, or any contract entered into, or proposed to be entered into, by him, and as to his age and fitness to labour, and as to any such other matters as may seem necessary for the purposes of this Enactment or "The Women and Girls' Protection Enactment, 1914."

Removal to examination depôt.  
E. 32 of 1914.

Powers of  
search.

22. If the Protector has reason to believe that any immigrant who has arrived in the Federated Malay States by an immigrant ship is indebted for passage money and advances and has without permission from an officer of the Chinese Protectorate entered any place other than a depôt established under Chapter III, it shall be lawful for the Protector or any officer of the Chinese Protectorate authorized in writing by him to search any place (including any house or ship) in which such immigrant as aforesaid is believed to be, and if he is found to take him forthwith to an examination depôt for examination under the last preceding section. If in the course of such search any documents relating to the indebtedness of such immigrant are found by the Protector or such officer he may seize such documents and retain them in his possession for so long as they are required for the purpose of any proceeding arising out of the matter.

Immigrants not  
indebted for  
passage money  
to be released.

23. Every immigrant who upon such examination as aforesaid is found not to be indebted for passage money and advances shall forthwith be allowed to leave the examination depôt.

Immigrant  
brought to  
Federated  
Malay States by  
fraud.

24. When it appear upon such examination as aforesaid that an immigrant has been brought to the Federated Malay States by fraud or by misrepresentation as to work or wages or other matters, the Protector shall enquire into his case and, if satisfied that he has just cause of complaint, shall either release him or treat him under Section 26 as an immigrant who has been declared permanently unfit for labour in the Federated Malay States.

Immigrant  
indebted to  
be detained in  
depôt.  
Proviso.

25. Every immigrant found to be indebted for passage money and advances may be detained in a detention depôt until he has made arrangements satisfactory to the Protector for the payment of his debt : provided that no immigrant without his consent to be signified before the Protector shall be so detained at any time after such debt shall have been paid or for a longer period than ten days except as provided by Section 33.

Immigrant  
unfit for labour.  
E. 32 of 1914.

26. (i) When upon an examination made under the provisions of this Chapter or at any time before he has made arrangements satisfactory to the Protector for the payment of his debt any indebted immigrant appears to the Protector to be unfit for labour owing to disease or from physical or mental debility or defect, or to be suffering from any complaint, he may be sent to a Government hospital for medical examination and treatment and shall, except as provided in sub-section (iii), be detained there at the expense of his creditor till declared by the Medical Officer in charge of the hospital

(a) to be fit for labour, or to be fit for certain kinds of labour, or for labour in certain places, in which case he shall be handed over to the Protector, or to a person authorized by the Protector to receive him, and *may* then be detained in a depôt under the care of the Protector as provided by this Chapter ; or

(b) to be incurable or permanently unfit for labour in the Federated Malay States, in which case information shall be given to the Protector, who may cause such immigrant

at the first opportunity to be sent back at the expense of his creditor to the place in China from which he was brought.

(ii) When upon such examination or at any such time as aforesaid, any indebted immigrant appears to be under the age of sixteen or over the age of forty-five years he may be sent back at the expense of his creditor to the place in China from which he was brought.

(iii) Any indebted immigrant who has been sent to a Government hospital under sub-section (i) may, if or when he be declared by the Medical Officer in charge of such hospital to be fit to travel, be sent back, if his creditor so desires, at the expense of his creditor to the place in China from which he was brought.

**27.** (i) Any indebted immigrant who refuses or omits to go to a hospital or to a detention depôt having been ordered to do so under the provisions of Section 26 and any indebted immigrant leaving or attempting to leave such depôt without the permission of an officer authorized by the Protector or such hospital without the permission of the Medical Officer in charge, shall be guilty of an offence and may be arrested by any police officer, or by an officer authorized by the Protector, and taken to a detention depôt or to the Chinese Protectorate or to a police station and detained there until he can be brought before the Protector.

Immigrant refusing to go to a depôt or absconding.

Arrest.

(ii) Any person who commits or abets the commission of an offence under this section shall be liable, on conviction, to a penalty not exceeding twenty-five dollars or to imprisonment of either description for any term not exceeding one month.

Abetment.

Penalty.

**28.** The Protector may fix from time to time the maximum sum for which any immigrant from any port in China to any port in the Federated Malay States shall be indebted as for passage money and advances and such maximum sum shall be notified in the *Gazette*.

Maximum sums for passage money and advances.

**29.** Any indebted immigrant who may have been found on examination to have obtained passage money and advances by a promise to find on his arrival in the Federated Malay States some person to repay such passage money and advances and who is unable to fulfil such promise may, at the discretion of the Protector, be released or sent back to China at the expense and with the consent of his creditor.

Immigrant detained unable to fulfil promise to repay passage money.

E. 32 of 1914.

\* \* \* \* \*

**31.** Any indebted immigrant found on examination to have obtained passage money and advances by a promise to enter into a contract on arrival in the Federated Malay States to labour may, at the discretion of the Protector.

Sections 30, 32, 34, and 35 repealed by E. 32 of 1914. Immigrant who has promised to enter into contract.

E. 32 of 1914.

(a) be sent back to China at the expense of his creditor ; or

(b) be released.

**33.** (i) Whenever an immigrant is to be sent back to China at the expense of his creditor under the provisions of this Part or to be sent to hospital under the provisions of Section 26 all arrangements shall be made by the Protector, and all necessary expenses of, and incidental to, sending such immigrant back to China or to

Return of immigrants to China.

E. 32 of 1914.

hospital may be recovered from the creditor of such immigrant in any Civil Court at the suit of the Protector, whose certificate as to the amount of such expenses shall be sufficient evidence thereof.

Detention.

(ii) Any such immigrant may pending his departure be detained at the expense of a creditor in a detention dépôt.

Cessation of contracts with indebted immigrants.

**36.** Notwithstanding anything to the contrary contained in this Enactment every contract entered into by an indebted immigrant shall terminate on the 30th day of June, 1914, and no contract shall be entered into by an indebted immigrant after that date.

Conditions on which Chinese immigrants may be imported.

**37.** No immigrant shall be imported into the Federated Malay States on a China immigrant ship except on the following conditions :

- (a) The ship in which he is imported if carrying more than twenty immigrants shall carry during the whole course of the voyage a qualified medical practitioner who shall attend to the health of the passengers and the sanitation of the ship ;
- (b) The master of the ship shall on arrival at any port within the Federated Malay States produce to the Boarding Officer a certificate from the port of departure signed, if such port be Hongkong, by the Port Health Officer, or in the case of any Chinese port, by a qualified person appointed by the British Consul, stating :
  - (1) The voyage the ship was intended to make ;
  - (2) That at the time of her departure she had the proper complement of officers and seamen and was sufficiently equipped for the voyage ;
  - (3) The number of immigrants on board and that such immigrants together with the other passengers on board were not in excess of the number of passengers which may properly be carried on board such ship ;
  - (4) That at the time of her departure there was on board the ship a good and sufficient supply of food, pure water, and medicines for the use of the immigrants during the intended voyage ;
  - (5) That the accommodation and sanitary arrangements for the immigrants during the voyage on board the ship were satisfactory.

Penalty for wrongful importation.

**38.** (i) Every person who shall import, or attempt to import, any immigrant contrary to the provisions of Section 37, and every person who shall aid, abet, procure, or be interested or concerned in or knowingly derive any profit from the importation, or attempted importation, of any immigrant contrary to the said provisions shall be liable to a fine not exceeding one thousand dollars or to imprisonment of either description for any period not exceeding twelve months or to both fine and imprisonment.

(ii) Any ship which shall be used for the importation, or attempted importation, of any immigrant contrary to the provisions

of Section 37 shall be liable to forfeiture and may be seized and detained by the Chief Police Officer until adjudicated on according to law.

(iii) Proceedings to enforce any forfeiture under this section may be taken in the name of the Chief Secretary to Government.

(iv) At any time after the detention of any ship under sub-section (ii) it shall be lawful for the Chief Secretary to Government to release such ship upon such security as he shall think sufficient or without security.

## CHAPTER V.

### SPECIAL PROVISIONS RELATING TO INDIAN IMMIGRANTS.

**39.** The provisions of this Chapter shall apply to immigrants from India only and shall, where such provisions are repugnant to the other provisions of this Enactment, be taken to repeal for the purpose of carrying into effect this Chapter such other provisions, but except in so far as is necessary to give effect to this section the provisions of this Chapter shall be additional to, and in extension of, the other provisions of this Enactment.

Limitation of application.

**40.** In this Chapter unless the context otherwise requires :

“Certificated immigrant” means an immigrant who holds a certificate in the Form A in the second schedule or to the like effect, issued under the authority of the Indian Government or of the Government of the Colony, or under this Enactment or under any Enactment hereby repealed.

Interpretation.  
E. 32 of 1914.  
“Certificated immigrant.”

“Immigrant” means an Asiatic native of British India, and for the purposes of this Chapter every Asiatic of Indian descent shall be deemed to be a native of British India until the contrary is proved.

“Immigrant.”

“Place of employment” means a place where any of such kinds of labour or work as are specified in Section 150 or as may hereafter be declared, under the provisions of the said section, to be subject to the provisions of Chapter XIII is carried on and on which ten or more immigrants reside or are employed,

“Place of employment.”

**41.** Nothing in this Chapter shall apply to

Exemption.

(a) first-class cabin passengers ;

(b) second-class cabin passengers arriving in a ship in respect of which the Chief Secretary to Government has made such declaration as next hereinafter mentioned ;

(c) menial servants in actual service ;

(d) seamen, firemen, and other persons serving on board a ship.

The Chief Secretary to Government may declare from time to time, by notification in the *Gazette*, that the second-class cabin passengers of certain ships or lines of ships shall be exempted from the operation of this Chapter.

Certificates  
issued in India  
or the Colony.

42. Every immigrant holding an unexpired certificate to the effect indicated in Section 43 issued by the proper authority in British India or in the Colony shall have all the immunities given in this Chapter to immigrants holding like certificates issued in the Federated Malay States.

In the  
Federated  
Malay States.

43. Any immigrant in the Federated Malay States may apply to the Controller for a certificate declaring that the person named and described therein is not subject to the provisions of this Part.

Issue of certi-  
ficate.

44. The Controller shall, if he is of opinion that the applicant is not a labourer or of a class ordinarily employed in agricultural work, issue forthwith under his hand and seal free of charge a certificate in the form or to the effect of Form A in the second schedule.

Particulars to  
be entered in it.

45. Every certificate issued under this Chapter shall contain the names of the holder thereof and of his or her father, and shall specify his or her place of abode in India, age, sex, religion, caste (if any), and calling. A general description of the holder of such certificate and of any marks on the portions of the body ordinarily unclothed by which he or she may be more certainly known shall also be written therein. The certificate shall be dated on the day of its issue and shall have force until *it be revoked by the Controller*.

E. 32 of 1911.

Certificated  
immigrant  
exempt from  
restrictions.

46. A certificated immigrant shall, upon production of his certificate be wholly exempted from every restriction imposed upon immigrants by this Part.

Certificate to be  
produced when  
required.

47. Every certificated immigrant shall be bound to produce his certificate when required to do so by a Magistrate or police officer or by an officer of the Controller's Department or by the master or officer of a ship in which such certificated immigrant is, or proposes to be, a passenger; and if he shall refuse or fail to do so when so required he may be treated in all respects as an uncertificated immigrant until such time as he shall produce such certificate.

New certificate,  
E. 32 of 1911.

48. A certificated immigrant whose certificate *not having been revoked* has been lost or destroyed may apply to the Controller for a fresh certificate, and the same shall be issued accordingly: provided that it shall be lawful for the Controller to require satisfactory evidence of such loss or destruction before issuing a new certificate.

Special classes  
may be  
exempted.

49. The Chief Secretary to Government may from time to time with the consent of the Government of India, transmitted through the Government of the Straits Settlements, declare that any class of immigrants is not a labouring class and that any person belonging thereto is entitled to a certificate without enquiry; or that any class of immigrants is a labouring class and that persons belonging thereto are not entitled to certificates.

Examination  
of immigrants.

50. (i) (a) All immigrants on arrival at the port of disembarkation shall be examined by a Government Medical Officer;

Immigrant  
unfit to travel:

(b) Any immigrant found on such examination to be unfit to travel may be sent forthwith to a Government hospital and there detained until he is pronounced by the Medical Officer in charge of such hospital to be either fit to travel or to be incurable or permanently unfit to labour;



(c) When an immigrant sent to a Government hospital under this section is found to be fit to travel the Controller may, if the employer for whom such immigrant was recruited so desires, send him back to the place in India where he was recruited ;

fit to travel;

(d) When an immigrant sent to a Government hospital under this section is found to be incurable or permanently unfit to labour the Controller may send him back to the place in India where he was recruited and may detain him so long as may be necessary for that purpose.

or incurable.

(ii) All expenses of the maintenance and the treatment in hospital of any immigrant sent to a Government hospital under this section, and all expenses of sending back under this section any immigrant found to be fit to travel or to be incurable or permanently unfit to labour to the place where he was recruited, may be recovered by the Controller from the employer for whom such immigrant was recruited or from the agent by whom such immigrant was imported.

Hospital and travelling expenses.

(iii) The Chief Secretary to Government may make rules for the examination of immigrants by Medical Officers under this section and prescribe the fees to be charged for the maintenance and treatment of immigrants in a Government hospital.

Power to make rules.

\* \* \* \* \*

52. It shall be lawful for the Chief Secretary to Government to appoint an Emigration Agent or Agents to reside at any place in India from which emigrants depart from India to the Federated Malay States.

Section 51 repealed by E. 32 of 1914. Agent in India.

53. (i) Any immigrant who has received a free passage from India under a promise to labour in the Colony of the Straits Settlements or in a country or State to which Indian emigration is authorized by the Governor of the Straits Settlements, with the consent of the Government of India, or in the Federated Malay States or in Johore may be detained in a dépôt until he can be forwarded to his destination.

Detention at a dépôt. E. 32 of 1914.

(ii) Except as provided in Section 56 no immigrant shall be detained in a dépôt against his will for more than one week.

54. Any immigrant who has received a free passage from India under a promise to labour in the Colony of the Straits Settlements or in a country or State to which Indian emigration is authorized by the Governor of the Straits Settlements, with the consent of the Government of India, or in Johore, and who neglects or refuses to leave the Federated Malay States in pursuance of his promise shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding fifty dollars or to imprisonment of either description for a term not exceeding three months : provided that if such immigrant shall pay to the Controller the sum of fifty dollars or such other sum as the Chief Secretary to Government shall from time to time fix, by notification in the *Gazette*, he shall not be liable to be prosecuted under this section. Any such sum so received by the Controller or such part thereof as the Controller may think fit shall be paid by him as to one-half thereof to the employer and as to one-half thereof to the Indian Immigration Fund.

Penalty for failure to proceed to fulfil promise to labour.

Proviso.

Penalty for failure to proceed to place of employment.

**55.** Any immigrant who has received a free passage from India under a promise to labour in the Federated Malay States, and who neglects or refuses to proceed to his place of employment in pursuance of his promise shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding fifty dollars or to imprisonment of either description for a term not exceeding three months : provided that if such immigrant shall pay to the Controller the sum of fifty dollars or such other sum as the Chief Secretary to Government shall from time to time fix, by notification in the *Gazette*, he shall not be liable to be prosecuted under this section. Any such sum so received by the Controller or such part thereof as the Controller may think fit shall be paid by him as to one-half thereof to the employer and as to one-half thereof to the Indian Immigration Fund.

Redemption of female immigrant.  
E. 32 of 1914.

**56.** Whenever it appears to the Controller that any female immigrant tendering the sum of fifty dollars or other prescribed sum in redemption of her obligation to labour in the Colony of the Straits Settlements or in a country or State to which Indian emigration is authorized as aforesaid, or in the Federated Malay States or in Johore, is in the custody or control of any other person, he may refuse to accept such sum and to permit such obligation to be redeemed unless and until the person in whose custody or control such female immigrant appears to be has given reasonable security to the satisfaction of the Controller that such female immigrant shall not leave the Federated Malay States without the previous consent in writing of the Controller and shall not be disposed of as a prostitute or for immoral purposes and that she shall be produced before the Controller whenever he so requires. In default of such security being given within seven days the Controller at his discretion may cause such female immigrant to be returned to India and for that purpose may cause her to be detained for any further period not exceeding twenty-one days.

Security.

Immigrant not to leave the Federated Malay States.

**57.** No immigrant shall depart from the Federated Malay States except to go

(a) to a country or State to which Indian emigration is authorized by the Governor of the Straits Settlements, with the consent of the Government of India ; or

(b) to British India or Ceylon ; or

(c) to the Colony of the Straits Settlements or to Johore.

To what countries or States Indian emigration lawful.

**58.** The Chief Secretary to Government may from time to time declare, by notification in the *Gazette*, to what countries or States Indian emigration is authorized by the Governor of the Straits Settlements, with the consent of the Government of India.

Penalty for unlawful departure from Federated Malay States or abetment thereof.

**59.** Any immigrant unlawfully departing or attempting to depart from the Federated Malay States in breach of the provisions of Section 57, or making any false representation to the Controller for the purpose of obtaining any certificate under this Chapter, shall be guilty of an offence and shall be liable to a fine not exceeding twenty dollars, and may be arrested without warrant by any police officer or officer of the department of the Controller ; and any person abetting an offence under this section shall be liable to

a fine not exceeding fifty dollars or to imprisonment of either description for a term not exceeding seven days for each immigrant whose offence he has abetted. The master of a ship in which an immigrant shall embark in order to depart unlawfully from the Federated Malay States shall, until the contrary be proved, be deemed to have abetted such offence.

60. In every judicial proceeding a certificate in Form B in the second schedule purporting to be signed by an Emigration Agent of the Government of the Colony or of the Federated Malay States in India at the port of embarkation shall be deemed to be evidence that the persons named therein have respectively received a free passage from India under a promise to labour in the Colony of the Straits Settlements or in some country or State to which Indian emigration is authorized by the Governor of the Straits Settlements, with the consent of the Government of India, or in the Federated Malay States or in Johore, as the case may be.

Evidence of promise to enter into contract.

E. 32 of 1911.

61. *No immigrant shall enter into any written contract to serve as a labourer; any such contract entered into in contravention of this section shall be void and of no effect.*

Prohibition of contracts.

E. 32 of 1911.

\* \* \* \* \*

66. (i) Every employer who within the Colony, the Federated Malay States, or any other State of the Malay Peninsula under the protection of His Britannic Majesty engages an immigrant to labour on a place of employment at any of the employments mentioned in Section 150, or at any other work or labour declared under the provisions of the said section to be subject to the provisions of Chapter XIII, shall ascertain the name and the particulars of the last employment of such labourer, and shall within seven days present or forward to the Controller, a statement in duplicate in the form provided by the third schedule together with a fee of one dollar *in respect of each labourer named in such statement* which shall be paid to the Indian Immigration Fund. A register of such statements shall be compiled by the Controller, and such register and statements shall be open to inspection at the office of the Controller by any person at all reasonable times.

Sections 62, 63, 64, and 65 repealed by E. 32 of 1911.

Registration of immigrants locally engaged.

E. 22 of 1918.

(ii) Any employer engaging a labourer in contravention of the provisions of sub-section (i) shall on the complaint of any other employer be liable, on conviction, to a fine not exceeding one hundred dollars in respect of every labourer so engaged by him.

Penalties.

(iii) Any employer knowingly furnishing any false particulars in a statement required by sub-section (i) shall be liable, on conviction, to a fine not exceeding five hundred dollars in respect of each labourer regarding whom he shall be proved to have furnished such false particulars.

(iv) Any labourer furnishing false particulars to an employer for the purposes of a statement required by sub-section (i) shall be liable, on conviction, to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding three months.

67. The officer from time to time deputed, with the concurrence of the Governor of the Straits Settlements, by the Government of Madras to examine and report to that Government the condition of immigrants in the Federated Malay States may exercise under

Inspector of Madras Government to have powers of inspection, etc.

this Enactment all or any of the powers of entry, inspection, enquiry, and investigation which are conferred on the Controller by this Enactment.

### PART III.

#### GENERAL PROVISIONS RELATING TO LABOUR.

##### CHAPTER VI.

##### AGREEMENTS.

Term of  
agreement.  
E. 27 of 1913  
and E. 32 of  
1914.

Proviso.

Presumption.

Termination of  
agreement by  
notice.  
E. 32 of 1914.

Method of  
giving notice.

Wages when  
payable.  
E. 27 of 1913.

**68.** (i) An agreement may be entered into for any period not exceeding one month, or for any number of days' work not exceeding thirty, or for the performance of any specified piece of work. All agreements shall, subject to any stipulation to the contrary, terminate on the last day of the term agreed upon or upon the completion of the specified number of days' work or piece of work, as the case may be : *provided that each party to an agreement for a period not exceeding one month shall on the termination of such agreement in the manner aforesaid be conclusively presumed to have entered into a fresh agreement upon the same terms and conditions as those of the agreement so terminated unless notice shall have been given previously by either party to such agreement in accordance with the provisions of Section 69.*

(ii) In the absence of proof to the contrary all agreements shall be presumed to be for a period of one month.

**69.** (i) Either party to an agreement for a period of time may terminate such agreement on the expiration of due notice given by him to the other party of his intention so to do ; the length of the notice to be given shall, unless otherwise stipulated by the terms of the agreement, be equal to the period of the agreement to be terminated ; provided that in no case shall it be necessary to give notice exceeding in length one month or in the case of domestic servants fourteen days.

(ii) Such notice may be either verbal or written and may be given at any time, and the day on which notice is given shall be included in the period of the notice.

(iii) When notice has been given there shall be paid to the labourer on the date of the expiration of the notice all wages then due to him.

**70.** Wages earned by a labourer under an agreement shall become payable upon the termination of such agreement : provided that when the parties to an agreement enter into a fresh agreement as provided by Section 68 the wages due under the prior agreement *shall be paid not later than*

(a) *in the case of labourers being Muhammadans the second Thursday, and*

(b) *in the case of labourers not being Mudammadans the second Saturday*

*after the expiration of such prior agreement ; nothing in this proviso applies to the Government.*

**71.** It shall be lawful for either party to an agreement to terminate the same without notice upon payment to the other party of a sum equal to the amount of wages which would have accrued to the labourer during the term of such notice.

Termination of agreement without notice.

**72.** When an agreement is terminated by the employer without notice to the labourer, on the ground of misconduct, such labourer shall, subject to any order which may be made by the Court on complaint of either party, be entitled to receive wages only up to the day on which the agreement was terminated.

Wages payable upon the termination of an agreement without notice.

**73.** In the event of any dispute arising between the parties to an agreement concerning wages due thereunder, or concerning the termination of the same, it shall be lawful for the Court, in addition to any other adjudication, to order either party to forfeit to the other party a sum not exceeding the amount of thirty days' wages.

Disputes regarding wages.  
Order of Court.

## CHAPTER VII.

### CONTRACTS.

**74.** No engagement to labour for a period exceeding one month, or for more than thirty days' work, shall be valid unless it be in writing and be made in the manner hereinafter prescribed.

Contract to be in writing.

**74A.** No Chinese shall after the 1st day of January, 1915, enter into any written contract to serve as a labourer ; any such contract entered into in contravention of this section shall be void and of no effect.

Prohibition of contracts by Chinese.  
E. 32 of 1914.

**75.** (i) Every contract to labour shall except where herein otherwise expressly provided

Contracts.  
E. 32 of 1914.

(a) be to labour for a certain number of days which shall not exceed three hundred ;

Term.

(b) be in a form approved by the Chief Secretary to Government for any class or description of labourers with such additions and alterations as the Controller may allow ;

Form.

(c) be explained and (if necessary) interpreted to the labourer and to the employer *by the Controller or by a duly authorized officer of his department* ; provided that the Controller or such officer may, at his discretion, dispense with any explanation or interpretation to an employer who signs his name in European characters ;

Explanation.

(d) be signed in the presence of the Controller or such officer by the labourer and by the employer or his duly constituted attorney, or by such other agent as the Controller or such officer may permit : provided that an employer signing in European characters whose signature is known to the Controller or such officer need not sign in his presence ;

Signature.

Certificate of  
officer.

- (e) bear the certificate of the Controller or such officer that the contract has been explained and (if it has been interpreted) interpreted to the labourer or to the parties, as the case may be, and that such officer is satisfied that the terms thereof are understood by the parties.

Stamp duty.

- (ii) Every contract shall be chargeable with such stamp duty as may be fixed by the Chief Secretary to Government by rules made under this Enactment.

Duplicate to  
be given to  
immigrant.

- (iii) A duplicate or translation of every contract shall be signed by the employer and shall be delivered to every labourer who is a party thereto.

Section 76  
repealed by  
E. 12 of 1913.

Redemption of  
contract.

\* \* \* \* \*

**77.** (i) If any labourer whose contract is for a definite term shall be able and desirous to redeem the unexpired portion of his contract, he may request his employer to take him or allow him to go before the Controller who, upon receiving a sum equal to the value of the unexpired portion of his contract, together with any sum which may have been expended by his employer in respect of passage money for him and any adult dependent upon him and cash advances paid to such labourer, shall forthwith give notice of such receipt to the employer of such labourer and, unless such employer shall within one week from the date of such notice satisfy the Controller that there is some sufficient reason why such labourer should not be allowed to redeem such portion as aforesaid, the contract shall determine as from the date of such receipt. The Controller shall endorse a memorandum of such determination on the contract, which shall be given up to him for that purpose, and shall pay the amount so received by him as aforesaid to the employer.

Employer to  
furnish account.

- (ii) Every employer shall be bound within a reasonable time after request by a labourer to furnish him with an account shewing what moneys (if any) are due by such labourer to the employer for advances.

Value of  
unexpired  
portion.

- (iii) The value of the unexpired portion of a contract under this Enactment shall be calculated in the following manner :

The number of days' work which the labourer has done will be deducted from the number of days' work which are required by the contract, and the remainder shall be deemed to be the unexpired portion of the contract and shall be valued at the rate of two dollars for every thirty of such days or fractional part thereof.

Provided—

Provisos.

- (a) That the value of the unexpired portion of the contract shall not be less than ten dollars, in cases when such value calculated as above would be less than ten dollars ;

Variation of  
rates.

- (b) That it shall be lawful for the Chief Secretary to Government from time to time, by notification in the *Gazette*, to vary the conditions upon which any class of labourers may redeem the unexpired portion of their contracts.

Female  
labourers.

- (c) That whenever it appears to the Controller that any female labourer tendering the required sum in redemption of the unexpired portion of her contract is in the custody or control of any other person he may refuse to accept

such sum or to permit such unexpired portion to be redeemed unless and until the person in whose custody or control such female labourer appears to be has given reasonable security to the satisfaction of the Controller that such female labourer shall not leave the Federated Malay States without the previous consent in writing of the Controller and shall not be disposed of as a prostitute or for immoral purposes and that she shall be produced before the Controller whenever he so requires.

(iv) Any employer who omits to comply with such request as is mentioned in sub-section (i) or to furnish the account required by sub-section (ii) shall, in the absence of proof that such omission was accidental, be liable to a fine not exceeding two hundred dollars and to an additional fine not exceeding fifty dollars for each day during which such omission is continued.

Penalty for non-compliance with section.

**78.** A contract may be determined

(a) by the Court or the Controller on proof that either party has failed to carry out any material obligation imposed upon him, either by his contract or by this Enactment, or upon proof that either party has become permanently incapacitated from fulfilling his contract, or that the labourer has been grossly neglected or ill-used by the employer ;

Termination of contracts.

(b) with the approval of the Controller by mutual consent :

Provided that such determination shall not operate to relieve the employer from any liability under this Enactment for the space of three months from the date of the determination of the contract. Every such consent and approval shall be endorsed on the contract by the person giving such consent or approval.

Proviso.

**79.** If any employer or any person placed by the employer in authority over or in charge of any labourer who has entered into a contract to labour for the employer is convicted before any Court of any offence against the person or property of such labourer, or if a Magistrate shall on the report of the Controller and after due enquiry upon oath in the presence of the parties find that any such labourer has been compelled to perform any work which he was unfit for or has been subjected to ill-usage by such employer or other person as aforesaid, the Court may cancel the contract of such labourer and award him reasonable compensation and shall certify such cancellation to the Controller.

Cancellation of contract by Court.

**80.** (i) Whenever any contract labourer shall have actually suffered imprisonment, amounting in the whole to six months, for desertion from his employer's service, the Controller shall at the written request of the employer cancel the contract of such contract labourer.

Contract may be cancelled for repeated desertions at request of the employer.

(ii) Every such cancellation shall be certified by the Controller on the back of the contract, and such contract labourer shall be liable to work during the remainder of the term of the cancelled contract on such public works as the Resident of any State may direct at the same rate of wages as named in such contract.

Effect of cancellation.

Alternative.

(iii) If the services of any such labourer shall not be required by the Government, the Controller shall take such steps as may be proper, subject to the provisions of this Part, for securing employment for such labourer if applied to by him for that purpose.

Transfer of  
contracts  
by consent.

**81.** Any contract under this Enactment may, with the consent of the labourer and the approval of the Controller, be transferred by the employer to any other employer or to any other place in the Colony or the Federated Malay States or Johore. A note of such transfer shall be endorsed upon the contract by the Controller.

Controller may  
transfer  
contracts.

**82.** Whenever any contract labourer shall have been twice convicted of offences under this Enactment the Controller, on the application of the employer or of his own accord, may in his absolute discretion transfer the contract of such contract labourer to some other employer willing to accept the same upon such terms and conditions between the old and new employers as shall appear to him reasonable.

Completion of  
contract.

**83.** Every contract labourer who has completed his contract shall be entitled to appear forthwith before the Controller, in order that the completion of the contract may be registered.

Contract may  
be extended if  
advances are  
not repaid.

**84.** If a contract labourer is bound by the terms of his contract to repay to his employer the amount of any specified advances made to him, or on his behalf, previous to or at the time of his executing such contract, and if on the completion of the term of such contract the balance of wages due to such labourer, after deducting all sums authorized by this Enactment to be deducted and all sums ordered by any Court or by the Controller to be paid by the labourer, shall be insufficient to repay such advances, then the period of time or the number of days' work for which such contract was made shall be deemed to be extended, and the contract shall remain in force and of full effect until the whole of such advances shall have been repaid: provided that no such contract shall under any circumstances be extended so as to have effect after the expiration of two years from the date thereof.

Proviso.

Wages when  
payable.  
E. 27 of 1913.

**85.** (i) The wages of a contract labourer shall, unless it be otherwise stipulated in his contract, be paid not later than

(a) in the case of labourers being Muhammadans the second Thursday, and

(b) in the case of labourers not being Muhammadans the second Saturday

of each month in respect of the month or portion of a month last preceding; nothing in this sub-section applies to the Government.

(ii) On the termination of a contract all wages due thereunder shall immediately become payable.

No wages for  
days of neglect  
or absence.

**86.** In cases of neglect to labour and unlawful absence no day on or during which such neglect or absence takes place shall be reckoned as a day on which a day's work has been performed and no wages shall be payable in respect of such day.



**87.** It shall be lawful for a contract labourer, whose contract is for a period of time, to absent himself from work, without any deduction from his wages, for not more than two days in each month, and also upon those days customarily observed as holidays by persons of his race and religion working in the Federated Malay States: provided that the total number of days of such absence shall not exceed five days in any one month except with the consent of the employer.

Holidays.  
E. 32 of 1914.

Proviso.

**88.** In the event of any dispute arising between the parties to a contract concerning wages due thereunder, or concerning the termination of the same, it shall be lawful for the Court, in addition to any other adjudication, to order either party to forfeit to the other party a sum not exceeding the amount of thirty days' wages.

Disputes  
concerning  
wages.

**89.** (i) If the absence from work of a contract labourer for any period is certified by a Medical Officer to be the direct result of the labourer's intemperance, immorality, or wilful misconduct, a Magistrate or the Controller may endorse on the contract of such labourer, after such enquiry as may be necessary, the period of such absence.

When the  
result of  
immorality.

(ii) It shall be lawful for the employer to deduct from the wages of the labourer the amount of any hospital fees paid by the employer in respect of the period of absence so certified.

Payment of  
hospital fees.

**90.** (i) If any labourer under a contract for a period of time shall, during the continuance of such contract, have been imprisoned or shall have absented himself without leave, such period of imprisonment or absence shall be endorsed on the contract by the Court and shall not be deemed to be part of the period of his service, and he shall be compellable, at the option of his employer, to serve for the full period for which he has contracted to serve, and until such extended service be completed he shall be subject to the provisions of this Enactment.

Absence with-  
out leave or  
imprisonment  
not to be  
counted as  
service.

(ii) The period of every such imprisonment or absence without leave shall be endorsed on the contract by the Court before whom the labourer may be sentenced to imprisonment or proved to have been absent without leave, or by any other Court before whom the fact and duration of imprisonment or absence without leave may be proved, and such period may include the whole or any portion of the time during which the labourer is detained in a lock-up, as the Court may direct.

Endorsement  
of contract.

**91.** On the application of the employer, or of any person authorized to act for the employer, of any contract labourer imprisoned for any offence under this Enactment, the Court or Controller may at any time previous to the expiration of such imprisonment, if he see good cause, order such contract labourer to be released and given up to his employer, and in that case the Court or Controller shall endorse on the contract a memorandum signed by him of such order, and any Court signing such memorandum shall send a copy thereof to the Controller.

Release of im-  
prisoned con-  
tract labourer  
on application  
of employer.

Disposal of  
contract  
labourer after  
release.

**92.** On the determination of any imprisonment to which a contract labourer may have been sentenced it shall be the duty of the officer in charge of the prison to make him over to any person appointed by his employer to receive charge of him or, on the request and at the expense of the employer, to return him to the place of employment under charge of the police.

Conviction to be  
endorsed on  
contract.

**93.** Whenever a contract labourer is convicted of any offence the Court before which such conviction is had shall endorse on the contract a memorandum of the conviction, and any Court endorsing such memorandum shall send to the Controller a copy thereof.

Endorsement of  
forfeiture.

**94.** Whenever a contract labourer is ordered by the Court, or by the Controller, to forfeit any moneys to his employer, the Court or the Controller shall endorse upon the contract a memorandum of such order.

Photographing  
contract  
labourers and  
employers.

**95.** (i) On the application of any employer to the Controller that a contract labourer may be photographed for future identification it shall be lawful for the Controller to direct that such contract labourer and, if it shall appear necessary to him, such employer be photographed at such time and in such place and manner as the Controller may think fit, and the photograph of any such contract labourer or employer shall be endorsed with the signature and seal of the Controller before return to the employer, and one copy of such photograph shall be filed in the office of the Controller.

(ii) Any expenses incurred under sub-section (i) shall be borne by the employer.

## CHAPTER VIII.

### GENERAL.

Contractual  
age.

**96.** Except where otherwise expressly provided no male person under the age of sixteen years and no female person under the age of fifteen years shall be deemed to be competent to enter into an agreement or contract under this Enactment.

Labourer not  
liable for de-  
fault of another.

**97.** No labourer shall be bound, in or by virtue of any agreement or contract made under this Enactment, to answer for the debt, default, or miscarriage of another person, so as to give any remedy under this Enactment for a breach of such agreement or contract as to such debt, default, or miscarriage.

Liability of  
labourer for  
advances.  
E. 32 of 1914.

**98.** No labourer shall be held to be liable for the amount of any advances made to him or on his behalf, or of any moneys expended on his behalf, prior to his arrival in the Federated Malay States, in consideration of his engagement to labour within the Federated Malay States.

Days and hours  
of labour.

**99.** Subject to any provisions to the contrary contained in his contract, if any :

(i) No labourer shall be bound to work on more than six days in one week, or more than six consecutive hours, or (subject as herein-after mentioned) more than nine hours a day of actual labour.

(ii) If any labourer works for and at the request of his employer more than nine hours in any one day, he shall be paid for such extra work at the rate of not less than one-eighteenth part of his ordinary daily wages for each half hour of overtime work.

Overtime.

(iii) It shall at all times be lawful for the employer to require from a labourer over and above the work which he is bound to perform as aforesaid any reasonable and customary labour for

Cleaning up.

(a) the care of animals ;

(b) the cleaning of machinery ;

(c) the maintenance of machinery in an efficient condition ;

(d) the observance of sanitary regulations.

(iv) Any labourer who is employed exclusively in factory work may be lawfully required by the employer, in case of need, to work for any time not exceeding three hours in any one day over and above the nine hours hereinbefore mentioned, and shall be entitled to receive for such extra work pay at the rate of not less than one-eighteenth part of his ordinary daily wages for each half hour of overtime work.

Overtime in case of factory work.

(v) *Any labourer may be lawfully required by the employer to work at the cultivation of foodstuffs suitable for the subsistence of labourers for any time not exceeding three hours in any one day over and above the nine hours hereinbefore mentioned, or over and above his task for the day assigned under Section 100, and shall be entitled to receive for such extra work pay at the rate of not less than one-eighteenth part of his ordinary daily wages for each half hour of overtime work.*

Overtime for purpose of food cultivation.

E. 17 of 1919.

**100.** (i) It shall be lawful for the employer to assign tasks to be performed by labourers as equivalent to work for a day of nine hours. Such assignment of tasks shall be subject to revision by the Controller who may fix the number of days' work to be credited to the labourers who have performed such tasks. A schedule of such tasks as revised by the Controller shall be written in English and some other language understood by such labourers and signed by the Controller, and copies thereof shall be kept fixed up in conspicuous places in or about the place of employment and in the lines, so that the same may be made known to such labourers.

Task work.

(ii) After performing his task for the day the labourer shall be at liberty, if he pleases, to commence and carry on a fresh task.

Double task work.

(iii) The employer may, whenever he thinks fit, direct the labourer to perform a task instead of working by the day, and the performance of such task shall, for the purposes of this Enactment or of any contract thereunder, be equivalent to working for a day, but so that no labourer shall be compelled to work for more than nine hours in any one day.

Compulsory task work.

(iv) Nothing in this Enactment contained shall prevent any employer from agreeing with any labourer in his employ that the wages of such labourer shall be paid at an agreed rate in accordance with the amount of work done and not by the day.

Wages at agreed rate.

Periods on account of which wages are not payable.

**101.** No wages shall become payable to or recoverable by any labourer for or on account of the term of any sentence of imprisonment undergone by him, or for or on account of any period spent by him in going to or returning from prison, or for or on account of any period spent by him in going to, attending before, or returning from a Court in or about a case in which he shall have been convicted of an offence, or in respect of which the Court before which the case is tried certifies that such attendance was not necessary for the ends of public justice.

Dispute as to work done.

**102.** Any dispute between a labourer and his employer as to whether the work done by such labourer on any specified day shall be counted as a day's work may be referred to the Controller whose decision shall be final.

Supply of food.

**103.** Every employer, who has agreed or contracted with a labourer to supply him with food free of charge, shall supply the same on all holidays and other days upon which such labourer is entitled to absent himself from work.

Employer may deduct cost of food.

**104.** If any labourer absent himself from work otherwise than as provided by this Enactment or by his contract (if any), it shall be lawful for the employer, subject to any order which may be made by the Court or by the Controller on complaint of either party, to deduct from any wages due to such labourer the cost of the food supplied to him during such absence.

Sections 105 and 106 repealed by E. 32 of 1914. Government inspections.

**107.** (i) The Controller, the District Officer and Medical Officer shall have power to enter at all reasonable times upon any estate, factory, mine, or place in which labourers are employed, and to put questions concerning such labourers to their employer or to any person who may be in charge of them, or to the labourers themselves, and the employer of such person, or any such labourer, shall be legally bound to answer such questions truly to the best of his ability.

Powers of an inspecting officer.

(ii) If on such inspection the Controller or other inspecting officer shall have reasonable ground for suspecting that any offence has been committed against a labourer, and whenever any complaint of personal ill-usage or breach of any of the provisions of this Enactment is made to the Controller, the Controller or other inspecting officer, as the case may be, may forthwith remove, or cause to be removed, such labourer from the estate, factory, mine, or place of employment where he is employed for further enquiry into the matter; and if the labourer has entered into a contract with the employer may, at his discretion, cause such labourer to be detained, if necessary, until the conclusion of such enquiry, at the nearest police station or at any other place that may appear to such officer suitable for the purpose.

Inspection of documents.

**108.** The Controller and every such District Officer and Medical Officer shall have power to call for and inspect all contracts, registers, books of account, and other documents concerning any labourers or relating to their employment; and any employer who without reasonable excuse, the proof of which shall lie upon him, neglects or refuses to produce the same, shall be liable, on conviction, to a fine not exceeding two hundred dollars.

**109.** (i) Every employer of more than ten labourers shall keep in a safe and accessible position on the estate where such labourers are employed an Estate Inspection Report Book.

Inspection  
Report Book.

(ii) Every employer who neglects or refuses to comply with the requirements of sub-section (i) shall be liable, on conviction, to a fine not exceeding one hundred dollars.

Penalty.

**110.** The Controller accompanied by a Medical Officer, unless he be himself a Medical Officer, shall once within each of such periods as may be fixed for such purpose by the Chief Secretary to Government and may, in addition, whenever he thinks fit, whether accompanied by a Medical Officer or not, visit all places of employment on which any labourers shall reside or be employed and inspect every house, hospital, tent, camp, or building in any way used by any labourers and enquire into the condition of such labourers and investigate the books of account of their wages ; and for such purpose the Controller may require the employer to produce before him all or any of the labourers then under contract or agreement with him, together with all contracts and books of accounts of wages, and to answer such questions relating thereto as the Controller may think proper to ask.

Inspection of  
labourers to  
be made by the  
Controller.

**111.** (i) It shall be lawful for the Controller at any time to direct any employer of labourers to keep a register, in such form as the Controller prescribes, of all headmen, kanganis, or mandors employed by him to supervise the work of any labourers, and to direct that such headmen, kanganis, or mandors shall be photographed in such place and manner as he thinks fit, and that a copy of any such photograph be affixed to such register, and it shall be lawful for the Controller, in the event of any such headman, kangani, or mandor being convicted of ill-treating any labourer, to order the employer to dismiss him from his service.

Registers of  
mandors.

(ii) Any person acting in contravention of any direction or order given under the provisions of sub-section (i) shall be liable, on conviction, to a fine not exceeding fifty dollars or to imprisonment of either description for any term not exceeding three months.

Penalty.

**112.** It shall be lawful for the Controller to require any employer to keep a register of labourers in a prescribed form.

Register of  
labourers.

**113.** (i) Every employer shall, within the first fourteen days of the months of January, April, July, and October in each year, forward to the Controller a return in such form or forms as may be approved by the Controller, giving the particulars prescribed thereby.

Returns to be  
made by  
employer.

(ii) Every such form shall be published in the *Gazette*. Copies of such forms shall be supplied to employers free of charge on application to the Controller.

**114.** It shall be the duty of every employer to make a report of the death of any labourer in his employment to the nearest police station, or to the Penghulu, within twenty-four hours after such death shall have taken place.

Report in cases  
of death.

**115.** (i) Every employer who shall fail to keep the register prescribed in pursuance of Section 112 or to forward such returns as are prescribed in pursuance of Section 113 or to make the report required by Section 114 shall be liable, on conviction, to a fine not exceeding two hundred dollars for every such failure.

Penalty for  
failure to keep  
register,  
forward returns,  
or make report  
of death.

Certificate by  
Controller.

(ii) A certificate under the hand of the Controller stating that such returns have not been forwarded or are incorrect shall be sufficient *prima facie* evidence of the truth of the facts stated in such certificate.

Power of  
summons.

**116.** (i) Whenever the Controller has reasonable grounds for suspicion that any offence under this Enactment has been committed by an employer against a labourer or by a labourer against an employer, or whenever the Controller wishes to enquire into any matter concerning disputes as to wages, desertions, malingering, misconduct, food, medical attendance, deaths, mining usage and mining complaints, Government inspections, crimping, sanitation, or any other matter relating to employer and labourer dealt with under the provisions of this Enactment, it shall be lawful for the Controller to summon any person who he has reason to believe can give information respecting the subject matter of the enquiry, and the person so summoned shall be legally bound to attend at the time and place specified in the summons and to answer truthfully all questions which the Controller may put to him.

Penalty for  
obstruction.

(ii) Any person who in any way wilfully obstructs the service of or obedience to such summons, and any person summoned who neglects to attend as required in such summons, and any person who commits in respect of any such complaint or enquiry any offence described in Chapter X of the Penal Code, shall be punished as provided in Chapter X of the Penal Code.

Employer to  
give notice to  
Controller if  
immigrant  
wishes to  
complain.

**117.** If any labourer states to his employer, or to any person acting for such employer in the conduct of the business of the place of employment, that he desires to make a complaint to the Controller of personal ill-usage or breach of any provision of this Enactment on the part of such employer or any other person, the employer or person to whom such statement is made shall within forty-eight hours send notice thereof in writing to the Controller, and in default of so doing such employer or person shall be liable to a fine not exceeding one hundred dollars, and in addition to a fine not exceeding twenty-five dollars for each day during which such default is continued.

If complaint  
is untrue or  
frivolous.

**118.** If upon any such enquiry made on the complaint of a labourer the Controller is of opinion that the complaint is untrue or frivolous, he shall enter in his book the particulars of such complaint and a short statement of the grounds of his opinion respecting it, and in such case he may impose on the complainant a fine not exceeding two dollars and fifty cents, which may be deducted from the labourer's wages and retained by his employer.

If complaint  
well founded.

**119.** (i) If, upon enquiry as aforesaid, the Controller is of opinion that the complaint is well-founded, he shall institute such proceedings, civil or criminal, for and in the name of the labourer as he shall deem necessary under the circumstances.

Consolidation  
of causes of  
action.

(ii) In the event of there being more labourers than one making a similar complaint the Controller may if he shall institute civil proceedings for and in the name of such labourers consolidate the complaint of all such labourers into one cause of action and he shall only be required to sue out one plaint for and in the name of all such labourers in respect of such causes of action. *Any Court which*

*would have jurisdiction to hear and determine separate suits based on such causes of action shall be competent to hear and determine such consolidated suit as aforesaid, notwithstanding that the subject-matter of such consolidated suit is in excess of the ordinary jurisdiction of such Court.* Judgment may be given without any amendment for such one or more of the plaintiffs as may be found to be entitled to relief for such relief as he or they may be entitled to.

**120.** No Court fees shall be chargeable in the first instance on any proceeding commenced by a labourer, or by the Controller on his behalf, against his employer under this Enactment ; but in case a conviction shall be had or judgment given against the employer, the same shall be paid by the employer, together with the general costs of the proceeding.

Costs of proceedings.

**121.** (i) Whenever an employer desires to make a complaint against any labourer in his employment under an agreement or contract for any of the following offences, that is to say—

Labourer may be taken before Court.

Disobedience to lawful orders, neglect of duty, carelessness in regard to property, wrongful determination of an agreement of service or neglect or refusal to fulfil or to enter on or commence service ;

it shall be lawful for the employer, if such labourer is on the estate or place where he is bound by his agreement or contract to work, to apprehend and forthwith take such labourer before any Court.

(ii) If it appears to the Court before whom a labourer is brought that there was no sufficient ground for apprehending and bringing such labourer before him, or that such labourer was, through the neglect or default of the employer, detained an unnecessary length of time, it shall be lawful for the Court to award to such labourer by way of compensation any sum not exceeding ten dollars, to be paid by the employer.

Compensation.

**122.** (i) If any labourer proves physically unfit and unable to perform the work that he has undertaken to perform, it shall be lawful for the Controller to order that such labourer be given such other work or task in place of that which he has proved unfit and unable to perform as the Controller, after consultation with the employer, shall deem reasonable and just.

Labourer unfit for particular work.

(ii) If any employer shall compel any labourer to perform any work which the Court or the Controller has directed that he shall not be bound to perform, he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred dollars.

Penalty.

## PART IV.

### PROVISIONS RELATING TO SPECIAL CLASSES OF LABOUR.

#### CHAPTER IX.

#### LABOUR WORKING BOARD AND SCHEDULE OF LABOUR LAWS FOR CHINESE LABOURERS.

**123.** A “Kung-pai” or working board shall be affixed in some conspicuous position on each place of employment or on the lines thereof, and on such working board shall be entered by the

Employer to exhibit a working board on estate.

employer, at intervals not exceeding two days, the amount of tasks done or length of time worked on each day by each labourer, and the amount of all work done overtime.

Employer to  
provide  
account book.  
E. 32 of 1911

**124.** (i) Every employer of *contract labourers* shall supply free of charge to each contract labourer a "Tshun-tu" or Chinese pocket account book which shall be the property of such labourer, in which shall be entered, in Chinese or in English, by the employer or his agent, the following particulars—namely, the name, age, and place of birth (giving the name of the district in China) of such labourer, together with the registered number, the date, and the duration of his contract, the rate of wages payable thereunder, and the amounts of all other emoluments and of any advances that may have been made to the labourer.

Entries in  
account book.

(ii) The employer or his agent shall, at the time of payment, enter in such "Tshun-tu," in the Chinese language, the amount paid to such labourer as wages during his contract, and the date of payment, and shall at the end of every month enter the amount earned by such labourer, either as wages or as payment for work done overtime, together with such further details as the Controller may from time to time direct.

Penalty for  
breach of  
Section 123  
or 124.

**125.** (i) Any employer failing to comply with the provisions of Section 123 or Section 124 shall be liable, on conviction, to a fine not exceeding twenty-five dollars.

(ii) Any employer or clerk, overseer, servant, or agent of any employer who shall detain or take away from any labourer the "Tshun-tu" or Chinese pocket account book referred to in Section 124 shall be liable, on conviction, to a fine not exceeding one hundred dollars.

Limitation of  
sections.

**126.** Sections 123 and 124 shall not apply to labourers on mines.

Employer about  
to abscond to  
evade payment  
of wages.

E. 32 of 1911.

**126A.** (i) Whenever any labourer complains to the Court or the Controller that he has reasonable grounds for believing that his employer, in order to evade payment of his wages, is about to leave the State wherein the place of employment is situated, the Court or the Controller may summon such employer and direct him to shew cause why he should not be required to give security by bond to remain in the State till such wages are paid; and if after hearing the evidence of such employer the Court or the Controller adjudicates that such bond shall be given, the Court or the Controller may order such employer to give security by bond in a reasonable sum that he will not leave the district or the State (as the Court or the Controller may direct) until he satisfies the Court or the Controller that all the just claims of his labourers against him for wages have been paid or settled.

(ii) If the employer fails to comply with the terms of such order to give security, he shall be detained in the civil prison till arrangements are made by the Court or the Controller for settling the claims of his labourers; provided that such employer shall be released at any time on security being furnished or on his payment, either in whole or in a reasonable part, of all claims of his labourers;



and provided that in no case shall the period of such detention exceed three months.

(iii) The bond to be given by an employer shall be a personal bond with one or more sureties, and the penalty for breach of the bond shall be fixed with due regard to the circumstances of the case and the means of the employer.

(iv) If on or after complaint made by any labourer under subsection (i) it appears to the Court or the Controller that there is good ground for believing that the employer complained against has absconded or is absconding or is about to abscond, the Court or the Controller may issue a warrant for the apprehension of such employer, and such employer shall be detained in safe custody pending the hearing of the complaint unless he finds good and sufficient security to the satisfaction of the Court or the Controller for his appearance to answer the complaint.

Arrest of employer.

(v) If after summoning an employer to appear to shew cause why he should not be required to give security by bond to remain in the State wherein the place of employment is situated till the wages of his labourers are paid it shall appear to the Court or the Controller after enquiry that the labourer who made the complaint had no reasonable or sufficient grounds for making it, the Court or the Controller may impose a fine of five dollars upon such labourer and in default of payment sentence him to imprisonment of either description for a term not exceeding fourteen days.

Frivolous complaint.

Penalty.

**126B.** (i) In the event of there arising between an employer and a Chinese labourer employed upon any agricultural land exceeding twenty-five acres in extent upon which agricultural operations of any kind are carried on or upon which the produce of any plants or trees is collected or treated or upon any mine any dispute relating to the conditions or period of employment, to advances of goods or money, to wages or to the keeping of accounts, the Controller may enquire into and decide such dispute and make *without any limitation in respect of the amount or value* any order which he may deem just for the purpose of giving effect to such decision.

Controller may adjudicate between employer and labourer.  
E. 32 of 1911.

E. 2 of 1918.

(ii) The mode of procedure shall be as follows :

(a) The person complaining shall lodge a memorandum in writing at the office of the Controller, specifying shortly the subject matter of the complaint and the remedy sought to be obtained, or he may make his complaint in person at any time or place to the Controller, who shall forthwith reduce it *or cause it to be reduced* to writing. Upon receipt of such memorandum or verbal complaint the Controller shall summon in writing the party against whom such complaint is made, giving notice to him of the nature of the complaint and the time and place at which the same will be enquired into, and he shall also notify or summon all persons whose interests may appear to him likely to be affected by the proceedings ;

(b) At the time and place appointed the parties shall attend and state their case before the Controller and may call

evidence, and the Controller having heard such statements and evidence and any other evidence which he may deem necessary shall give his decision ;

- (c) If any person interested shall have been duly summoned by the Controller to attend at such enquiry and shall have made default in so doing, the Controller may hear and decide the complaint in the absence of such person, notwithstanding that the interests of such person may be prejudicially affected by his decision ;
- (d) The Controller shall keep a Case Book, in which he shall enter notes of the evidence taken and the decisions arrived at in each case heard before him, and shall authenticate the same by attaching his signature thereto, and the record in such Case Book shall be sufficient evidence of the giving of any decision, or of the making of any order, and of the terms thereof ; and any person interested in a dispute, decision, or order shall be entitled to a copy of such record upon payment of a fee of one dollar ;
- (e) No fees shall be charged by the Controller in respect of processes issued by him under this section and all orders made by the Controller shall, *notwithstanding that the same may in respect of amount or value be in excess of the ordinary jurisdiction of the Court*, be enforced by the Court in the same manner as a judgment of the Court, and all necessary processes may be served by the Court *on behalf of the Controller ; provided that no sale of immovable property shall for the purposes of such enforcement be ordered except by the Court of a Judicial Commissioner ;*
- (f) In the event of any person interested being dissatisfied with the decision or order of the Controller, he may, within fourteen days after such decision or order, file a memorandum of appeal therefrom in the Court of a Judicial Commissioner ; for the purposes of any such appeal the decision or order of the Controller shall be deemed to be a decision of the Court of a Magistrate ;
- (g) Nothing in this section shall limit or affect the jurisdiction of any Court.

E. 2 of 1918.

- (h) *In proceedings under this section where it appears to the Controller that there are more labourers than one having a common cause, or similar causes, of complaint against the same employer, it shall not be necessary for each of them to make a separate complaint under this section, but the Controller may, if he thinks fit, permit one or more of them to lodge a memorandum or make a complaint and to attend and act on behalf of, and generally to represent, the others, and the Controller may proceed to adjudicate on the several or joint claims of each and all such labourers ; provided that where the Controller is of opinion that the interests of the employer are or are likely to be prejudiced by the non-attendance of any labourer, he shall require the personal attendance of such labourer.*

E. 2 of 1918.

(iii) In this section the expressions “ employer ” and “ labourer ” include all persons who are included within the scope of those expressions, respectively, for the purposes of Part VII.

**127.** (i) An abstract of Chinese labour law shall, as soon as conveniently may be after the passing of this Enactment, be prepared and published in the *Gazette*, and every employer who employs not less than ten Chinese contract labourers shall affix and exhibit continuously in a conspicuous place in all lines a translation thereof in Chinese. Translation of abstract to be posted in certain cases.

(ii) Every employer who employs not less than one hundred Chinese labourers shall affix and exhibit continuously in a conspicuous place in all lines a translation in Chinese of the said abstract.

(iii) Printed copies of the said abstract, with such translations as may be necessary, shall on application be supplied free by the District Officer or the Controller to all such employers as are referred to in sub-sections (i) and (ii).

(iv) Every employer who refuses or neglects to comply with the provisions of sub-section (i) or sub-section (ii) shall be liable, on conviction, to a fine not exceeding one hundred dollars. Penalty.

## CHAPTER X.

### DOMESTIC SERVANTS.

**128.** The provisions of Chapter VI and Chapter VII are hereby made applicable to domestic servants. Application.

**129.** Any domestic servant who shall without reasonable excuse to be allowed by the Court Offences.

(a) quit the service of his employer without due notice ;

(b) be guilty of wilful negligence or carelessness with regard to the property in his custody or control ;

shall be liable, on conviction, to a fine not exceeding twenty-five dollars or to imprisonment of either description for a term not exceeding one month. Penalty.

## PART V.

### PROVISIONS RELATING TO PRIORITY OF WAGES AND THE TRUCK SYSTEM.

#### CHAPTER XI.

#### PRIORITY OF LABOURERS' WAGES.

**130.** In this Chapter unless the context otherwise requires :

(i) “ The Court ” includes a Collector or Assistant Collector duly appointed under the Land Enactment, 1911, in any case in which such Collector or Assistant Collector has power to order a sale. Interpretation.  
“ Court.”

"Declaration of insolvency."

(ii) "Declaration of insolvency" includes an order or decree for the liquidation or winding up of a corporation or company.

"Labourer."

(iii) "Labourer" includes clerk.

"Receiver."

(iv) "Receiver" includes the liquidator of a corporation or company.

"Secured creditor."

(v) "Secured creditor" means a person holding a mortgage, charge, or lien on any mine or agricultural estate or other place of employment, or any part thereof, as a security for a debt due to him.

"Wages."

(vi) "Wages" shall not include money due as a share of profits.

Procedure in the event of insolvency of employer.

**131.** In the event of a declaration of insolvency or a receiving order in bankruptcy being made against any employer by any Court having jurisdiction in insolvency or bankruptcy matters, and of the sale by the receiver of any interest in any mine, agricultural estate, or other place of employment belonging to such employer, or the produce thereof, the proceeds of such sale shall not be paid in satisfaction of any claims but those of the Government and of secured creditors unless and until the receiver shall have ascertained and provided for the amount due at the date of the sale for wages to all labourers employed on such mine, agricultural estate, or other place of employment.

E. 2 of 1918.

Protection of labourers' interests in execution proceedings.

**132.** *In the event of the issue of an attachment in execution of a decree against an employer, and of the interest in any mine, agricultural estate, or other place of employment belonging to such employer, or the produce thereof, or the money due to such employer on account of work done on such place of employment or derived from the sale of the proceeds thereof, being seized or sold or otherwise realized in pursuance of such execution, the proceeds of such sale or other realization shall not be paid to any execution creditor unless and until the Court ordering the sale or other realization shall have ascertained and provided for the amount due at the date of the sale or other realization for wages due to all the labourers employed on such mine, agricultural estate, or other place of employment.*

E. 2 of 1918.

Procedure on sale under mortgage or charge.

**133.** In the event of any interest in any mine or agricultural estate or other place of employment being sold on the application of a mortgagee or chargee under any law in force for the time being, the proceeds of such sale shall not be paid to any creditor other than the Government or a mortgagee or chargee, unless and until the Court ordering the sale shall have ascertained and provided for the amount due at the date of the sale for wages to all labourers employed on such mine, agricultural estate, or other place of employment or unless the Court shall be satisfied that such wages have been duly paid up to the date of sale.

Mode of ascertaining amount due.

**134.** (i) For the purpose of ascertaining the amount so due, the Court or receiver ordering the sale under Section 131, 132, or 133 (hereinafter in this section called "the Court") shall take notice of the system under which the mine, agricultural estate, or other place of employment is worked, and shall not allow, in the case of a clerk or headman, more than two months' wages or less than one; and in the case of other labourers, more than three months' wages or less than one.

(ii) The Court may refer the matter to the Controller, who shall enquire into the same and report to the Court the amount that is, in his opinion, justly due for wages from the employer to the labourers.

Reference to  
Controller.

(iii) The Court may adopt the report of the Controller, or may make such further enquiry as it may think fit.

Report.

(iv) After the enquiry is completed the Court shall make an order declaring the amount due at the date of the sale for wages by the employer to the labourers, and the mine, agricultural estate, or other place of employment in respect of which such wages have become due.

Order by Court.

(v) In ascertaining such amount, in the case of an employer against whom a declaration of insolvency or a receiving order in bankruptcy has been made, there shall be deducted from the amount due at the date of such declaration or order any sums which the labourers may have received since such date from the assets of their employer, whether by way of dividend or in priority to the general body of creditors.

Deductions.

**135.** (i) Any Court having jurisdiction in insolvency or bankruptcy matters (hereinafter in this section called "the Court") may, subject to the claims of the Government or of any secured creditor, make an order for the sale of any interest in any mine, agricultural estate, or other place of employment, belonging to an employer against whom a declaration of insolvency or a receiving order in bankruptcy has been made, upon the application of the receiver of such employer's estate, or of the Controller, on behalf of the labourers claiming wages in respect of work done on or about such mine, agricultural estate, or other place of employment.

Orders for sale  
of mine or  
estate.

(ii) The moneys to arise from such sale shall be applied in the first place in payment of the costs, charges, and expenses of the receiver or Controller, of and incidental to the application to the Court, and of the sale ; in the second place in payment of the amount found to be due under the last preceding section to the labourers, and the surplus (if any) shall be paid to the receiver of the estate for the benefit of the general body of creditors.

Disposition of  
proceeds.

**136.** Every transfer of a mine, agricultural estate, or other place of employment made within three months immediately preceding a declaration of insolvency or a receiving order in bankruptcy against the owner of such mine, agricultural estate, or other place of employment with a view of giving, or which has in fact the effect of giving, any other person a claim on such mine, agricultural estate, or other place of employment in priority to the claims of labourers employed thereon shall, as against the claim of such labourers, be deemed fraudulent and void.

Transfer to be  
void in certain  
events.

**137.** No payment of wages by way of priority under this Chapter shall affect the right of the labourer receiving the same to prove, in the case of the insolvency or bankruptcy of his employer, for any balance of wages due to him and not recoverable under this Part.

Saving of rights  
of labourers.

## CHAPTER XII.

## PROVISIONS AS TO THE TRUCK SYSTEM.

Agreements to pay wages otherwise than in legal tender illegal.

**138.** In all agreements or contracts for the hiring of any labourer or for the performance by any labourer of any labour the wages of such labourer shall be made payable in legal tender and not otherwise, and if in any such agreement or contract the whole or any part of such wages shall be made payable in any other manner such agreement or contract shall be illegal, null, and void.

Agreements as to place, manner, etc., of spending wages illegal.

**139.** No employer shall impose in any agreement or contract for the employment of any labourer any terms as to the place at which, or the manner in which, or the person with whom, any wages paid to the labourer are to be expended, and every agreement or contract between an employer and a labourer containing such terms shall be illegal, null, and void.

Wages to be paid entirely in legal tender.

**140.** Except where otherwise expressly permitted by the provisions of this Enactment the entire amount of the wages earned by, or payable to, any labourer in respect of any labour done by him shall be actually paid to him in legal tender, and every payment of, or on account of, any such wages made in any other form shall be illegal, null, and void.

Labourer's right to recover. E. 32 of 1911.

**141.** Every labourer shall be entitled to recover in the Courts of the Federated Malay States so much of his wages *exclusive of sums lawfully deducted in accordance with the provisions of this Enactment* as shall not have been actually paid to him in legal tender.

Interest on advances forbidden.

**142.** No employer shall make any deduction by way of discount, interest, or any similar charge on account of any advance of wages made to any labourer in anticipation of the regular period of payment of such wages.

Deductions or payments in respect of fines, injury to materials, etc.

**143.** Except where otherwise expressly permitted by the provisions of this Enactment no employer shall make any deduction or make any agreement or contract with a labourer for any deduction from the wages to be paid by the employer to the labourer, or for any payment to the employer by the labourer, for or in respect of any fine, or of bad or negligent work, or of injury to the materials or other property of the employer.

Agreements of co-operation.

**144.** Nothing in this Chapter shall be held to apply to any body of persons working on an agreement of co-operation.

Remuneration other than wages.

**145.** Nothing in this Chapter shall render illegal an agreement or contract with a labourer for giving to him food, a dwelling-place, or other allowances or privileges in addition to money wages as a remuneration for his services, but so that no employer shall give to a labourer any opium or chandu or intoxicating liquor by way of such remuneration.

Authority to employer to open shop. E. 32 of 1914.

**146.** (i) Nothing in this Chapter shall prevent the employer from establishing a shop for the sale of rice only to his labourers or, where the place of employment is distant more than two miles from

any town or village, from establishing a shop for the sale of provisions generally to his labourers, in either case at a tariff of prices approved by the Controller, a copy of which in the language or languages of the labourers shall be openly exhibited in the shop and at other points of the place of employment as may be directed by the Controller; but no labourer shall be compelled by any contract or agreement, written or verbal, to purchase rice or other provisions at such shop, and no opium or chandu or intoxicating liquor shall be sold at any such shop.

(ii) No employer shall establish or keep, or permit to be established or kept, a shop or any place of employment for the sale of provisions to his labourers otherwise than in accordance with the preceding sub-section.

Offence.

**147.** Any employer who enters into any agreement or contract or gives any remuneration for service contrary to the provisions of this Chapter or declared by this Chapter to be illegal, or makes any deduction from the wages of any labourer or receives any payment from any labourer contrary to the provisions of this Chapter or contravenes the provisions of sub-section (ii) of Section 146, shall be liable, on conviction, to a fine not exceeding five hundred dollars or for a second or subsequent offence to a fine not exceeding one thousand dollars.

Penalties.

**148.** (i) When an employer is charged with an offence against this Chapter he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the employer shall prove to the satisfaction of the Court that he has used due diligence to enforce the provisions of this Chapter and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.

Exemption of employer on conviction of actual offender.

(ii) When it is made to appear to the satisfaction of the Controller at the time of discovering the offence that the employer has used due diligence to enforce the provisions of this Chapter and also by what person such offence has been committed, and also that it has been committed without the knowledge, consent, or connivance of the employer, then the Controller shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

Proceedings to be taken against actual offender.

## PART VI.

### PROVISIONS RELATING TO ASSISTED IMMIGRATION.

#### CHAPTER XIII.

##### THE INDIAN IMMIGRATION FUND.

**149.** The provisions of this Chapter shall only apply to Indian labourers and shall, where such provisions are repugnant to the other provisions of this Enactment, be taken to repeal for the

Limitation of application.

purpose of carrying into effect this Part such other provisions, but except in so far as is necessary to give effect to this section the provisions of this Part shall be additional to, and in extension of, the other provisions of this Enactment.

Interpretation.  
E. 32 of 1914.  
"Employer."

150. In this Chapter unless the context otherwise requires :

"Employer" means any person, including the Government, and any body of persons, corporate or unincorporate, who employs any Indian labourers and shall in his absence include his agent or manager or other person in charge of the work on which such Indian labourers are employed, and a person who makes payments for work executed by Indian labourers to some person other than such Indian labourers shall be deemed to be the employer of such Indian labourers, if such work is done in the conduct of any trade, business, undertaking, or industry carried on by him or on his behalf ;

"Indian labourer."

"Indian labourer" means an Asiatic native of the Madras Presidency of British India of the age of fourteen years and upwards, who is employed in any of the following kinds of labour, namely—

- (1) Agriculture, including the treatment of produce and its portorage to the place of treatment ;
- (2) The making and upkeep of roads ;
- (3) The construction and maintenance of canals ;
- (4) Railway construction, maintenance, and working ;
- (5) The construction, maintenance, and working of all works of a public nature or for the public good ;
- (6) Mining and work on mines ;
- (7) Quarrying and stone-breaking ;
- (8) Brick-making ;
- (9) The treatment in mills and factories of padi, rubber, and other agricultural produce, including portorage in connection with such treatment ;

or in any other kind of labour which may be declared by the High Commissioner to be subject to the provisions of this Chapter : provided always that persons employed exclusively in administrative or clerical work, or in gardens attached to private residences, shall not be deemed to be Indian labourers for the purposes of this Chapter. For the purpose of this Chapter every Asiatic of Indian descent shall be deemed to be a native of the Madras Presidency until the contrary is proved ;

"The Indian Immigration Committee."

"The Indian Immigration Committee" means the Immigration Committee existing at the time of the passing of this Enactment or hereafter notified by the order of the High Commissioner in the *Gazette* to be the Indian Immigration Committee ;

"A quarter."

"A quarter" means a quarter of a year consisting of the months of January to March, April to June, July to September, or October to December.

"Register."

"Register" means the books which are required to be kept under Section 152 ;



“Return” means the return which is required to be sent to the “Return,” Controller under Section 153.

**151.** It shall be lawful for the High Commissioner from time to time to define the duties of the Indian Immigration Committee and to appoint such persons as he may think fit to be members of such Committee and to add members to or remove members from such Committee.

High Commissioner may define duties of Indian Immigration Committee and appoint members.

**152.** Every employer shall keep and write up to date, or cause to be kept and written up to date, books in the English language shewing the names of all Indian labourers of whom he was the employer or who have worked on his place of employment, the days on which they have worked and the amounts paid or payable to them as wages. Such books shall be deemed not to be written up to date if by the tenth day of any month all entries required by this section to be made therein in respect of the preceding month have not been made.

Employer to keep books.

**153.** Every employer shall within one month after the end of each quarter send to the Controller a return shewing the number of Indian labourers whose names are entered in his register during the preceding quarter, the total amount paid for work done by Indian labourers, and the total number of days' work done by all Indian labourers of whom he was the employer or who have worked on his place of employment during the preceding quarter: such return shall be accompanied by a certificate signed by the employer that it is a correct summary of the entries in his register during the preceding quarter.

Employer to send return to Controller.

**154.** Every employer shall, whenever called upon so to do by the Controller or by any officer authorized in writing by the Controller in that behalf, produce for the inspection of the Controller or officer so authorized his register and all other books kept by him in so far as they relate to payments made by him in respect of work done by Indian labourers.

Employer to produce register for inspection.

**155.** The Controller and any officer authorized by him in writing in that behalf may at any time between sunrise and sunset enter upon and inspect any place of employment and any place which he may reasonably suspect to be a place of employment for the purpose of ascertaining the number of Indian labourers employed thereon, and any person wilfully hindering or obstructing such entry or inspection shall be liable, on conviction, to a fine not exceeding five hundred dollars.

Power to enter upon and inspect any place reasonably suspected to be a place of employment.

**156.** The Indian Immigration Committee may from time to time, with the consent of the High Commissioner, by notification published in the *Gazette* at least one month before the commencement of the period to which it relates, prescribe quarterly rates to be paid for the ensuing quarter or quarters of the year in which the notification is published or of the ensuing year as follows:

Indian Immigration Committee may impose rates.

- (a) A rate to be paid by every employer in respect of every Indian labourer employed or working on the place of employment during the quarter;

- (b) A further rate to be paid by every employer who employed during the quarter Indian labourers in excess of the number of Indian labourers imported by him with free passages provided by the Indian Immigration Committee during the twenty-four months preceding the commencement of the quarter.

Provided that the rate referred to in clause (b) shall not be payable in respect of Indian labourers directly employed by any Government department and that in the case of Indian labourers not directly employed by any Government department in respect of whom the said rate would, but for this proviso, be payable by the Government the person directly employing such labourers shall for the purposes of clause (b) be deemed to be the employer of such labourers.

E. 27 of 1913.

Provided further that the rate referred to in clause (b) shall not, during the continuance of any exemption granted hereunder, be payable in respect of Indian labourers employed

(1) within such areas, or

(2) within such areas and on such kinds of labour therein

as may be from time to time expressly exempted from the operation of clause (b) by order of the Indian Immigration Committee made with the approval of the High Commissioner and published in the *Gazette*. Any order or exemption published hereunder may be varied or rescinded by order of the Indian Immigration Committee made with the approval of the High Commissioner and published in the *Gazette*.

Limit of rate,  
E. 31 of 1919.

**157.** The rate referred to in clause (a) of the last preceding section shall not exceed *six* dollars a quarter. The rate referred to in clause (b) may be whatever rate the Indian Immigration Committee from time to time, with the consent of the High Commissioner, thinks fit to prescribe : provided always that the whole assessment payable by an employer under the last preceding section in respect of any one quarter shall in no case exceed *six* dollars for every Indian labourer employed during the quarter.

Assessment to  
be collected by  
Controller.

**158.** The assessment payable by each employer under Section 156 shall be collected by the Controller who shall send by post to each employer a notice stating the amount at which he has been assessed for the last preceding quarter.

Employer to  
pay assessment  
within twenty-  
one days.

**159.** Every employer shall within twenty-one days after the posting to him or to his place of employment of the notice referred to in Section 158 stating the amount at which he has been assessed for the last preceding quarter under Section 156 pay to the Controller the amount mentioned in such notice : such amount shall be deemed a debt due to the State in which his place of employment is situated and if not paid within such twenty-one days shall bear interest at the rate of eight per cent. per annum. Any such notice signed by the Controller shall unless and until rectified by the Controller be conclusive evidence that the amount stated therein is due by the employer : provided that the employer may within fourteen days after the receipt of any notice appeal to the Indian Immigration

Committee and in such case the Indian Immigration Committee shall consider the matter and its decision shall be final.

**160.** (i) The amount at which each employer shall be assessed in respect of each quarter shall be ascertained as hereinafter in this section provided. Amount of assessment, how calculated.

(ii) The amount of the assessment under clause (a) of Section 156 shall be the amount obtained by multiplying the average number of Indian labourers employed or working on the place of employment during the quarter by the rate.

(iii) The amount of the assessment under clause (b) of Section 156 (if any) shall be the amount obtained by multiplying the average number of Indian labourers employed or working on the place of employment during the quarter less the number of adult Indian labourers shewn to the satisfaction of the Controller to have been imported by the employer with free passages from India paid for by the Indian Immigration Committee, during the twenty-four months preceding the commencement of the quarter, by the rate.

(iv) For the purposes of the calculations referred to in this section :

(a) The average number of Indian labourers employed or working on the place of employment shall be the number obtained by adding together the total number of days' work done by each Indian labourer during the quarter and dividing the total by the number of working days comprised in the quarter ;

(b) The " number of working days comprised in any quarter " shall be such number as may be fixed by the Indian Immigration Committee for such quarter ;

(c) An adult Indian labourer means an Indian labourer for whom a free full rate passage from India has been paid for by the Indian Immigration Committee.

(v) The Indian Immigration Committee may from time to time make rules determining what shall be deemed to constitute a day's work, and such rules shall be published in the *Gazette*.

**161.** (i) The fund now subsisting under the provisions of " The Tamil Immigration Fund Enactment, 1911," hereby repealed shall be taken over by and form part of the fund constituted under this Enactment. Immigration Fund.

(ii) All moneys paid by employers to the Controller in accordance with the provisions of this Chapter shall be paid into a fund to be known as " The Indian Immigration Fund " and may be disbursed for the following purposes only : Disbursement of Fund.

(a) For or towards the payment of free passages for Indian labourers and their families from the Madras Presidency to the Federated Malay States or the Colony or Johore or Kedah or Perlis or Kelantan : such passages shall be allotted in accordance with rules to be framed from time to time by the Indian Immigration Committee and published in the *Gazette* ;

E. 27 of 1913.

(b) *For the general expenses incurred in connection with the recruiting of labour in the Madras Presidency and in connection with*

(1) *the quarantine on arrival at Singapore, Penang, or Port Swettenham from India, and*

(2) *the transport to their destinations*

*of those for whom free passages have been provided under this Enactment.*

(c) *For the maintenance of a home for decrepit Indian labourers ;*

(d) *For the payment of interest upon moneys borrowed by the Indian Immigration Committee under sub-section (iii) ;*

(e) *For the payment of recruiting allowances ;*

(f) *For the payment of the cost of preparing the register prescribed by Section 66 (i) ;*

E. 32 of 1914.

(g) *For the payment of expenses reasonably incurred by members of the Indian Immigration Committee in travelling to and from places where the Committee meets or other places necessary to be visited for the purposes of this Part.*

E. 18 of 1917.

(h) *For the payment of fees and charges incidental to legal proceedings and of the cost of legal advice and assistance incurred and obtained in and for carrying out the purposes of this Chapter.*

E. 1 of 1919.

(i) *For such purposes as may be determined from time to time by resolution of the Federal Council.*

Borrowing  
powers.

(iii) It shall be lawful for the Indian Immigration Committee to borrow from time to time at such rates of interest as the High Commissioner shall approve such moneys as the Committee may deem necessary for the purpose of making the payments referred to in sub-section (ii).

Mode of man-  
agement.

**162.** (i) Payments out of the Indian Immigration Fund shall be made by the Controller on the authority of the Indian Immigration Committee.

(ii) The Controller shall present half-yearly accounts of the Indian Immigration Fund to the Committee.

(iii) Such half-yearly accounts, when passed by the Indian Immigration Committee, shall be published in the *Gazette*.

Offences under  
this Part.

**163.** Any employer who is subject to the provisions of this Part :

(a) Who shall fail to keep or cause to be kept a register ;

(b) Whose register shall not be kept up to date unless he shall explain such omission to the satisfaction of the Court ;

(c) Whose register shall contain any incorrect or incomplete entry (unless he shall satisfy the Court that such entry was not made with intent to evade payment of moneys payable under this Part) ;

(d) Who shall fail to send in a return within the time prescribed by Section 153 ;

- (e) Who shall send in a return containing any incorrect or incomplete statement (unless he shall satisfy the Court that such statement was not made with intent to evade payment of moneys payable under this Part) ;
- (f) Who shall refuse or wilfully omit to produce any book for inspection as required by Section 154 ;

shall be liable, on conviction, to a fine not exceeding five hundred dollars. Penalty.

**164.** In every case in which an employer who is subject to the provisions of this Part is convicted of failure to keep or cause to be kept a register, and in every case in which such an employer is convicted of keeping or causing to be kept a register which contains any incorrect or incomplete entry and in every case in which such an employer is convicted of sending in a return containing any incorrect or incomplete statement the Court shall forthwith proceed to determine, taking further evidence if necessary, the number of Indian labourers in respect of whom the employer is liable to assessment under this Part, and the employer shall, in addition to any fine imposed upon him, pay a penalty of ten dollars in respect of each such Indian labourer. Such penalty shall be added to the fine imposed and shall be recovered and dealt with as part thereof. The payment of such penalty shall not be deemed to be a payment of the assessment due under the provisions of this Part in respect of such Indian labourer, and in a suit for the recovery of assessment no set-off or defence shall be allowed on account of such payment. Special penalty where there is intent to evade payment.

**165.** (i) No prosecution for any offence against the provisions of this Part shall be instituted except by the Controller or by an officer authorized by him in writing in that behalf. No prosecution without the authority of the Controller.

(ii) The Controller and any officer authorized by him in writing in that behalf shall have the right to appear before any Court. Right to appear.

**166.** Every fine imposed by virtue of this Chapter shall be paid over to the Controller and shall become part of the Indian Immigration Fund. Disposal of fines.

## PART VII.

### SPECIAL PROVISIONS RELATING TO LABOURERS EMPLOYED IN MINES.

#### CHAPTER XIV.

#### INTERPRETATION AND PROVISIONS FOR THE OBSERVANCE OF MINING USAGE.

**167.** The provisions of this Part shall only apply to labourers in mines and shall, where such provisions are repugnant to the other provisions of this Enactment, be taken to repeal for the purpose of carrying into effect this Part such other provisions, but except in so far as is necessary to give effect to this section the provisions of this Part shall be additional to, and in extension of, the other provisions of this Enactment. Limitation of application.

Interpretation.	<b>168.</b> For the purposes of this Part unless the context otherwise requires :
" Employer."	" Employer " includes a mining advancer, commonly called Kiu-chu.
" Labourer."	" Labourer " includes mining mandors, overseers, and headmen, commonly called Nai-cheng-thau, Hop-thung-thau, or Hang-kong, respectively.
" Tribute labourers."	" Tribute labourers " means labourers who work in any mine without any fixed remuneration but with the right to retain for themselves the value of all minerals won from the mine, subject to the obligation to pay to the mine owner or his lessee a fixed percentage of such value, and who agree with any person to receive from him exclusively advances of food and supplies and pledge the value of all minerals won as security therefor ;
" A day's work."	" A day's work," commonly called a Kung, means work for a day of as many hours, not exceeding nine, as is customary for any labourer to work in a mine.

Mining notices deemed to be binding as contracts in the case of mining labourers.

**169.** (i) Any person who employs labourers in a mine either as labourers on Hun wages [which term shall include Kongsí Kung and Tai-Ki-Tsai labourers] or as piece-work labourers [Nai-Cheng labourers] or as tribute labourers may define the conditions upon which such labourers are engaged by affixing in a conspicuous place in such mine a notice in the Chinese language setting out the conditions upon which he engages such labourers, and, in the absence of any special agreement to the contrary, the terms of such notice shall be deemed to be binding as a contract under this Enactment as between such employer and such labourers as may enter such employment whilst such notice shall continue to be so affixed.

Provided always that

Provisos.	<p>(a) such notice shall clearly set out the name of the employer responsible to the labourers for their wages and other emoluments due to them or in the case of tribute labourers for the advancing to them of all necessary goods and moneys ;</p> <p>(b) such notice shall contain no illegal or immoral conditions ;</p> <p>(c) no labourer taking service under such notice shall be compelled to continue working under its conditions for a longer period than six or in the case of tribute labourers twelve months notwithstanding any debt that he may owe to any person ;</p> <p>(d) all the terms and conditions of every such notice shall be approved by the Controller, who shall retain a copy signed by the employer stating the date from which the notice is to be in force ;</p>
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And further in the case of tribute labourers that

- (e) it shall also clearly set out the term during which the labourer may be required to labour ;

(f) if at any time the employer shall fail to make due and sufficient advances to the labourers of the necessary goods and moneys, none of the conditions of the notice shall be enforceable by the employer against the labourers, and such labourers shall be at liberty to seek another advanceer.

(ii) Any employer who shall contravene any of the provisions of this section shall be liable, on conviction, to a fine not exceeding five hundred dollars. Penalty.

**170.** All wages earned by a labourer under such an engagement shall become due and payable on a date previously arranged between the parties thereto in accordance with the mining usage of the place in which such labourer is working : provided that in no case shall such date be more than six months later than the date of the commencement of such engagement, and provided further that in the event of the employer ceasing to provide a proper and sufficient supply of money and necessaries for the use of the labourer, as required by the terms of his engagement, all moneys due from him to such labourer shall immediately become payable. Wages of labourers, when payable.  
Provisos.

**171.** All agreements and contracts and notices deemed to be binding as contracts under this Part shall be construed according to the mining usage of the place in which the same are to be performed. Mining usage.

**172.** All documents and books of account having relation to agreements, contracts, or notices deemed to be binding as contracts under this Part or to the work to be performed under such agreements, contracts, or notices shall be *prima facie* evidence thereof : provided that such documents and books shall have been kept in accordance with the mining usage of the place in which the agreement, contract, or notice is to be performed. Documents to be evidence.  
Provisos.

**173.** Every employer shall exhibit, in a conspicuous place in the kongsi-house, a correct Kung-Pai or working-board, containing the names of all labourers working in such kongsi, and shall enter thereon, according to mining usage, the work done by each labourer in the kongsi. Exhibition of working-board.

**174.** Every employer shall exhibit, in a conspicuous place in the kongsi-house, at the end of every Chinese month, a Lat-Tsai or account, kept according to mining usage, of moneys earned and received by each labourer in the kongsi during such month. Exhibition of labourers' accounts.

**175.** Every employer who shall make default in any of the obligations imposed upon him by the last two preceding sections, shall be liable to a fine not exceeding one hundred dollars. Penalty for default.

**176.** The advanceer to a mine and the employer, if separate persons, shall be jointly and severally liable to the labourer for the payment of wages due to him : provided that the liability of the advanceer shall cease if he shall have given reasonable notice to the labourer that on a certain day and at a certain time and place he intends to hand over his wages to the employer, and shall have so handed them over accordingly. Liability for payment of wages.  
Provisos.

Labourers not  
employed by  
tribute  
labourers.

**177.** Labourers on time or fixed wages employed in a mine worked by tribute labourers shall, in the absence of proof to the contrary, be regarded as being employed by the advancer and not by such tribute labourers.

## CHAPTER XV.

### SANITATION AND HOSPITALS UPON MINES.

Sections 178  
and 179 repealed  
by E. 32 of 1914.  
House accom-  
modation.

**180.** (i) Every employer who has agreed or contracted to provide house accommodation for his labourers shall supply and maintain such accommodation as shall fulfil all reasonable sanitary requirements. Should it appear to the Controller that the accommodation provided is likely, by reason of its site, construction, size, or otherwise, to endanger the health of any labourer or of any other person, it shall be lawful for the Controller to serve the employer with an order in writing requiring him to remove, alter, or enlarge such accommodation within a reasonable time, to be stated in such order; and such order may also, if necessary, declare that no labourer shall be permitted to occupy any building the subject of such order, pending such removal, alteration, or enlargement.

Penalty.

(ii) Any employer who shall neglect or refuse to comply with any order made under sub-section (i) shall be liable, on conviction, to a fine not exceeding two hundred dollars, and further to a fine not exceeding ten dollars for each day beyond the prescribed time during which such removal, alteration, or enlargement remains uncompleted.

Order  
prohibiting  
admission of  
labourers.

**181.** Should the accommodation upon any mine be insanitary or otherwise unsatisfactory, it shall be lawful for the Controller or a Magistrate to order that no labourers shall be admitted to such mine until the necessary improvement has been effected.

Water  
supply.

**182.** Every employer who is bound to provide house accommodation for his labourers shall also be bound to provide for them a sufficient quantity of wholesome water.

Order to  
improve  
water supply.

**183.** (i) Should it appear to the Controller that the water provided for the use of the labourers upon any mine is insufficient in quantity or unwholesome in quality, it shall be lawful for the Controller to serve such employer with an order in writing requiring him to increase or improve such supply within a reasonable time, to be stated in such order, and such order may also, if necessary, declare that the employer shall not permit any labourer to use the water which is the subject of such order until such improvement has been effected.

Penalty.

(ii) Any employer who shall neglect or refuse to comply with any order made under sub-section (i) shall be liable, on conviction, to a fine not exceeding two hundred dollars, and further to a fine not exceeding ten dollars for each day beyond the prescribed time during which such increase or improvement shall remain uncompleted.

Sick labour-  
ers to be sent  
to hospital.  
E. 12 of 1913.

**184.** (i) In the event of any labourer requiring medical treatment it shall be the duty of his employer to take or cause him to be taken, with as little delay as possible, to the nearest Government hospital for treatment, providing transport if necessary.



(ii) Every employer who shall fail to take, or cause to be taken, to hospital any such labourer shall be liable, on conviction, to a fine not exceeding one hundred dollars, or to imprisonment of either description for a term not exceeding two months, and upon conviction for a second or subsequent similar offence, committed within two years from the date of a previous conviction for such an offence, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment of either description for a term not exceeding six months, or to both.

Penalty for non-compliance.

185. If it shall appear at any time to the Controller or to a Magistrate or to a qualified Medical Officer of the Government that a labourer is suffering from a contagious or infectious disease or that it is otherwise desirable that he should be removed and placed under medical care, it shall be lawful for the Controller or such Magistrate or Medical Officer to cause such labourer to be forthwith removed to such place as he may direct, and such labourer shall thereupon be detained until discharged by an order in writing under the hand of a Medical Officer.

Order for removal of sick labourer.

186. It shall be lawful for the Chief Secretary to Government upon the recommendation of the Controller, to declare by notification in the *Gazette* that the provisions of Part VIII or of such sections thereof as may be specified in such notification shall apply to and be complied with by the owner, lessee, or occupier of any mine.

Power to apply Part VIII to mines.

## PART VIII.

### PROVISIONS RELATING TO THE HEALTH OF ASSISTANTS AND LABOURERS.

#### CHAPTER XVI.

#### INTERPRETATION AND HOUSE ACCOMMODATION.

187. In this Part unless the context otherwise requires :

Interpretation.

“ Dangerous infectious or contagious disease ” means plague, cholera, and small-pox and any other disease which the Chief Secretary to Government may from time to time, by notification in the *Gazette*, declare to be a dangerous infectious or contagious disease for the purposes of this Part.

“ Dangerous infectious or contagious disease.”

“ Estate ” means any agricultural land exceeding twenty-five acres in extent upon which agricultural operations of any kind are carried on or upon which the produce of any plants or trees is collected or treated or any mine to which the provisions, or any portion of the provisions, of this Part have been declared to apply under Section 186 to the extent of the provisions so declared to apply.

“ Estate.”

“ Labourer ” includes any Asiatic who performs or is under agreement or contract to perform any work for any other person for payment or reward, whether the payment or reward is to be made by the employer or by some other person who has entered into a contract with the employer to have the work done.

“ Labourer.”

“ Resident manager ” of an estate means any employer or agent of an employer who resides on, or is in immediate charge of, the estate on which the labourers are employed.

“ Resident manager.”

House  
accommodation  
for assistants.

**188.** (i) It shall be the duty of every employer to provide for all assistants or persons other than labourers employed by him on an estate sufficient and proper house accommodation.

Order in respect  
thereof.

(ii) Should it appear to the Medical Officer that any such accommodation is by reason of site, construction, size, or otherwise likely to endanger the health of the assistants or other employees housed therein or of any other person he shall report accordingly to the Resident, and shall submit with his report his recommendations as to the action necessary to be taken ; and on receipt of such report it shall be lawful for the Resident to give to the employer or to the resident manager, or to both, an order in writing requiring him to remove, alter, or enlarge such accommodation within a reasonable time to be stated in the order, and such order may also, if it appears necessary to the Resident, prescribe the site to which such accommodation is to be removed, the nature of the alterations to be made or the manner in which, and the extent to which, the accommodation is to be enlarged, and may further declare that no assistants or other employees as stated in the order may be permitted to occupy such accommodation until such removal, alteration, or enlargement has been carried out.

Provisions to be  
made for  
labourers on an  
estate by the  
employer.

**189.** It shall be the duty of every employer to provide for every labourer employed by him on an estate for whom he is bound either by contract or agreement or under any written law to provide house accommodation and for every labourer employed by him on an estate who resides on such estate or on any other land owned or leased by such employer or otherwise in his control

- (a) sufficient and proper house accommodation ;
- (b) a sufficient supply of wholesome water ;
- (c) sufficient and proper sanitary arrangements ;
- (d) hospital accommodation and equipment ;
- (e) medical attendance and treatment including diets in hospital ;
- (f) a sufficient supply of medicines of good quality ;

House  
accommodation  
to be sanitary.

**190.** (i) The house accommodation provided shall in all cases fulfil all reasonable sanitary requirements and the surroundings thereof shall be kept in a clean and sanitary condition.

Penalty for  
housing in  
insanitary  
building.

(ii) Every employer who shall be guilty of housing any labourer in a building the state of which, or of the surroundings of which, is such as to endanger the health or safety of such labourer shall, on conviction, be liable to a fine not exceeding one hundred dollars for each labourer housed in such building.

Separate lines  
to be provided  
for each  
nationality or  
race.

**191.** On every estate upon which the labourers employed or residing are not all of one nationality or race, the employer shall provide separate lines for the labourers of each nationality or race as the Controller shall direct.

Permanent  
lines to be in  
accordance  
with approved  
design.

**192.** (i) All lines erected after the commencement of this Enactment upon any estate or upon other land adjacent to an estate by an employer and intended for permanent use shall, unless the permission of the Controller is obtained to the contrary, be erected

in general accordance with one or other of the designs prepared by order of the Chief Secretary to Government, and approved by the Medical Officer, as suitable for the accommodation of labourers according to the nature of the site selected (copies of which shall be obtainable free of charge by any employer on application to the Controller) and shall be of such materials as are thereon specified.

(ii) Any employer desiring to erect lines intended for permanent use not in accordance with a design so approved shall submit plans in duplicate of the lines proposed to be erected to the Controller for approval.

(iii) Drains shall be carried to such distance as the Medical Officer shall in each case order. Drains.

**193.** All lines intended for permanent use shall be erected as far as possible, having regard to all circumstances, from any jungle. A space of not less than 200 feet all round such lines shall wherever possible be kept clear of jungle and of buildings, and it shall be the duty of the resident manager to see that such space is kept clear of refuse and excreta and that the lines are cleaned out daily and all refuse in or near the lines collected and buried and to detail a sufficient number of labourers daily to carry out these duties. Surroundings of lines to be kept clean.

**194.** Should it appear to the Medical Officer that any lines are by reason of site, construction, size, or otherwise likely to endanger the health of any labourers housed therein or of any other person, he shall report accordingly to the Controller, and shall submit with his report his recommendations as to the action necessary to be taken; and on receipt of such report it shall be lawful for the Controller to give to the employer or to the resident manager, or to both, an order in writing requiring him to remove, alter, or enlarge or replace such lines within a reasonable time to be stated in the order, and such order may also, if it appears necessary to the Controller, prescribe the site to which the lines are to be removed, the nature of the alterations to be made or the manner in which, and the extent to which, the buildings are to be enlarged, and may further declare that no labourer or no more than a fixed number of labourers as stated in the order may be permitted to occupy such lines until such removal, alteration, or enlargement has been carried out. Insanitary lines.

## CHAPTER XVII.

### WATER SUPPLY.

**195.** (i) The supply of water available for each labourer for drinking, cooking, or bathing purposes shall be not less than such number of gallons a day as the Controller shall by order either generally or for any particular estate direct. Water supply to be adequate.

(ii) Any employer failing to provide the quantity of water ordered by the Controller under this section shall be liable, on conviction, to a fine not exceeding one hundred dollars for each day during which the quantity provided shall fall short of the quantity ordered to be available. Penalty for not providing adequate supply.

Protection of  
water supply.

**196.** The Medical Officer may at any time if it appears to him necessary for the health of any labourers employed or residing on an estate by order in writing direct the resident manager to prevent the use for drinking, cooking, or bathing purposes of the water from any river, stream, canal, tank, pond, well, or other source of supply on the estate either absolutely or unless and until certain precautions specified in such order have been taken or enforced, as the case may be, and may in like manner direct the resident manager to have any tank or well closed and any pond filled up.

Protection of  
wells.

**197.** On any estate upon which there are wells the water of which is or may be used for drinking, cooking, or bathing purposes it shall be the duty of the resident manager, if so directed by the Medical Officer, to have all or any of such wells bricked or protected in accordance with one or other of the plans approved by the Chief Secretary to Government, copies of which shall be obtainable free of charge by any employer from the Controller.

Water supply  
insufficient or  
unwholesome.

**198.** Should it appear to the Medical Officer that the water provided for the use of any labourers housed in any lines is insufficient in quantity or unwholesome in quality, he shall report accordingly to the Controller, and on receipt of such report it shall be lawful for the Controller to give to the employer or to the resident manager, or to both, an order in writing requiring him within a reasonable time to be stated in the order to increase or improve the supply of water or to adopt any precautions regarding the use of such water as may to the Controller seem necessary, and such order may also declare that no labourer shall be permitted to use the water the subject of such order unless and until such improvement has been effected or such precautions have been taken or enforced.

## CHAPTER XVIII.

### SANITARY ARRANGEMENTS.

Disposal of  
night-soil.

**199.** (i) The arrangements for the disposal of night-soil shall be in accordance with the provisions of any rules made from time to time by the Chief Secretary to Government under this Enactment and published in the *Gazette*.

Penalty.

(ii) Every employer who shall neglect after receipt of a notice in writing from the Medical Officer notifying him that the arrangements for the disposal of night-soil on any estate are not in accordance with such rules to take within a time specified in such notice such steps as may be necessary to secure that the rules are complied with, shall be liable, on conviction before the Court, to a fine not exceeding one hundred dollars and to a further fine in addition of ten dollars for each day during which such neglect shall continue after the date of such conviction.

Defective  
latrine accom-  
modation.

**200.** Should it appear to the Medical Officer that the latrine accommodation for the labourers housed in any lines is such as to be dangerous to the health of such labourers or of any other persons,

the Medical Officer shall report accordingly to the Controller and shall submit with his report his recommendations as to the action necessary to be taken; and on receipt of such report it shall be lawful for the Controller to give to the employer or to the resident manager, or to both, an order in writing to remove or alter the construction of such latrine accommodation within a reasonable time to be stated in such order, and the order may also, if it appears necessary to the Medical Officer, prescribe the site to which such latrine accommodation is to be removed or the alterations in construction to be made, and may further declare that no labourer may be permitted to use such latrine accommodation until such removal or alteration has been carried out.

Order by  
Controller.

**201.** The Medical Officer may at any time, if it appears to him necessary for the health of any labourers employed or residing on an estate, by order in writing direct the resident manager to have any latrine immediately closed or disinfected in the manner prescribed in such order and may by a like order give directions as to the use of disinfectants generally on the estate.

Use of  
disinfectants.

## CHAPTER XIX.

### HOSPITAL ACCOMMODATION, EQUIPMENT, AND MEDICAL ATTENDANCE.

**202.** (i) The Controller may at any time by order in writing require any employer to construct within a reasonable time to be stated in such order and thereafter to maintain at his own expense a hospital on or in the immediate neighbourhood of any estate upon which labourers are employed by him with accommodation for such number of patients as stated in such order, or if there is already a hospital maintained by such employer to enlarge or add to such hospital, so as to provide accommodation for a further number of patients as stated in the order; and may further require him to employ a registered medical practitioner as defined by "The Medical Registration Enactment, 1907," to reside at and have charge of such hospital or any hospital maintained by such employer, and to provide such medical practitioner with fit and proper house accommodation to the satisfaction of the Medical Officer.

Employer to  
maintain estate  
hospital.

(ii) If two or more estates are so situated that the required accommodation for patients from such estates can be conveniently provided in one hospital the employers concerned may, with the sanction of the Controller, provide one hospital for such estates instead of a separate hospital for each estate; but in such case every such employer and resident manager shall be responsible for the due maintenance of such hospital and for the provision of the prescribed staff, equipment, diets, and medicines and for the observance of any rules made for the inspection and management of such hospital and the furnishing of any returns required as if such hospital were provided and maintained solely by him.

Hospitals for  
two or more  
adjacent  
estates.

**203.** (i) The employer shall bear the expenses of the maintenance and treatment in such hospital of every contract labourer so long as he remains in such hospital who was at the time of his admission to the hospital or within seven days previously employed on the

Maintenance  
and treatment  
of contract  
labourer in  
hospital.

estate, and shall not be allowed to recover such expenses from the labourer either by deduction from wages or otherwise, but shall not, except as may be provided in the contract of such labourer, be required to pay wages in respect of any time during which the labourer is in hospital.

Maintenance  
and treatment  
of labourer un-  
der agreement.

(ii) In the case of a labourer who was employed under an agreement the employer shall defray the expenses of his maintenance and treatment in such hospital so long as he remains in hospital, but may recover from such labourer the expenses of his treatment and maintenance at such rate as the Controller, with the approval of the Chief Secretary to Government, may from time to time prescribe by notification in the *Gazette* in respect of any period in excess of thirty days during which such labourer shall have remained in the hospital.

Sick labourer  
admitted to a  
Government  
hospital.

204. If a labourer at the time of his admission to a Government hospital or within ten days previously was employed on or after employment was residing on any estate the resident manager shall pay the expenses of his maintenance and treatment in such hospital at such rate as the Controller, with the approval of the Chief Secretary to Government, may from time to time prescribe by notification in the *Gazette*. Such expenses shall, whatever be the amount, be recoverable from such resident manager in a Civil Court at the suit of the Medical Officer in charge of such hospital, and the certificate of such Medical Officer shall be sufficient *prima facie* evidence that the amount therein specified is due from the resident manager; provided that unless such labourer was serving under a contract no more than thirty days' expenses in hospital shall be recoverable.

Penalty for not  
taking sick  
labourer to  
hospital.

205. Any employer or resident manager who without reasonable excuse, the proof whereof shall lie on him, shall fail to take, or cause to be taken, to hospital any labourer employed on the estate who requires medical treatment shall be liable, on conviction, to a fine not exceeding fifty dollars, and upon conviction for a second or subsequent offence committed within two years from the date of a previous conviction for such an offence shall be liable to a fine not exceeding five hundred dollars.

Estate hospitals  
to be visited by  
a qualified  
medical  
practitioner.

206. Unless there is a registered medical practitioner resident on the estate in pursuance of Section 202 every estate hospital shall be visited at least once in every month, and oftener if the Medical Officer shall so require, by a private medical practitioner holding a qualification registrable by the Medical Council of the United Kingdom of Great Britain and Ireland, and it shall be the duty of the employer to make arrangements accordingly and of the resident manager if he is not the employer to report to the employer if this is not done.

Estates on  
which a hospital  
is not main-  
tained.

207. On every estate on which an estate hospital is not required to be constructed and maintained by the employer for the labourers employed thereon it shall be the duty of the employer to make such provision for the treatment of sick labourers as the Controller, after consultation with the Medical Officer, shall in each case order.

CHAPTER XX.

INFECTIOUS AND CONTAGIOUS DISEASES.

**208.** (i) It shall be the duty of the resident medical practitioner, and in his absence or if there is no resident medical practitioner, of the resident manager, to isolate at once any labourer or other person on an estate whom he may suspect to be suffering from any dangerous infectious or contagious disease and detain under observation any other persons whom he may deem likely to have contracted such disease and with the least possible delay to notify the nearest Government Medical Officer, and pending the arrival on the estate of the Medical Officer to take immediate steps to prevent any person from occupying the building in which the person suspected to be suffering from such disease has been housed.

Duty to report suspected case of infectious disease, etc.

(ii) Any person who neglects to perform to the best of his ability the duty imposed upon him by sub-section (i) shall be liable, on conviction by the Court, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months.

Penalty for neglect.

**209.** (i) On the occurrence of any infectious or contagious disease on any estate it shall be the duty of the employer forthwith, if so directed by the Medical Officer, to set apart a place for the reception of any labourers employed on the estate whom it shall appear necessary or desirable to segregate in the interests of the public health or of any other labourers employed on the estate and to make at his own expense such arrangements for the maintenance of such labourers while so segregated and for the treatment of any labourers suffering from such disease as may to the Medical Officer seem necessary.

Duty of employer to make special provision for infectious cases and contacts.

(ii) If it shall at any time appear to the Medical Officer that a labourer employed on any estate is suffering from a contagious or infectious disease or that it is otherwise necessary in the interest of the public health or of the health of any other labourers employed on the estate that he be removed and placed under medical supervision, it shall be lawful for the Medical Officer to cause such labourer to be removed to such place as he may direct and there to be detained until discharged by order in writing under the hand of a Medical Officer of Government.

Powers of Medical Officer to remove infectious cases and contacts.

CHAPTER XXI.

GENERAL.

**210.** (i) It shall be the duty of the resident manager

(a) to have every labourer employed on the estate who requires medical treatment taken with the least possible delay to the hospital provided for labourers employed on the estate or, if there is no such hospital, to the nearest Government hospital; and

(b) to make such arrangements and to provide such appliances for the transport of sick labourers to hospital as the Medical Officer may from time to time order.

Employer to provide appliances for conveying labourers to hospital.

Removal of  
labourer to  
hospital.

(ii) Any Medical Officer may order any labourer on an estate who requires medical treatment to be removed to hospital.

Duty of kangani,  
etc., to  
report cases of  
sickness.

211. (i) It shall be the duty of every headman, kangani, mandor, or other person in immediate charge of any gang of labourers to report immediately to the resident manager the absence of any labourer from work on account of sickness.

Penalty.

(ii) The resident manager and any Magistrate shall have power to fine any person who neglects to furnish the report required by sub-section (i). Such fine shall not exceed five dollars for each such offence and may be deducted from the wages of such person. A record thereof shall be kept by the resident manager and shall be open to inspection by the Controller.

Rations may be  
ordered to be  
supplied  
according to  
prescribed  
scales, and  
reductions in  
respect thereof  
may be made  
from wages.  
E. 32 of 1914.

211A. (i) The Chief Secretary to Government may from time to time by notification in the *Gazette* prescribe scales of rations, cooked and uncooked, for different classes of labourers and may also in like manner fix the maximum deductions which may be made by an employer from wages in respect of each such ration supplied by him.

(ii) Every employer shall, if so required in writing by the Controller, supply to all labourers employed by him (other than contract labourers) or to all labourers of a particular class specified in the requisition and to all children over one year and under twelve years of age living with and dependent upon such labourers rations according to such of the scales prescribed under sub-section (i) as shall be specified in the requisition and shall continue to supply such rations, until such requisition be withdrawn by the Controller in writing, to every such labourer being from time to time under agreement with him and to all children over one year and under twelve years of age living with and dependent on such labourer; provided that in the case of children under ten years of age only one-third rations and in the case of children of ten years and over only half-rations need be supplied.

(iii) For and in respect of all rations supplied in pursuance of such requisition of the Controller as is mentioned in sub-section (ii) the employer shall be entitled to deduct from the wages of the labourer the sum fixed by the Chief Secretary to Government under sub-section (i) as the maximum deduction which may be made in respect of such rations; provided that such deduction shall not exceed the actual cost to the employer of such rations and shall not be made from any wages accrued due to the labourer before the date of the Controller's requisition.

(iv) When such a requisition as is mentioned in sub-section (ii) has been made, the employer shall day by day supply rations as therein specified to all labourers to whom the requisition relates and to all children (if any) living with and dependent on them, whether work is done by the labourers or not, so long as the labourers remain in his employment; provided that

(a) in the event of any labourer or child being removed to hospital the rations supplied shall be in accordance with the scale prescribed for patients in hospital and not according to the scale prescribed under sub-section (i); and



(b) no deduction shall be made in respect of rations supplied in hospital except in accordance with the provisions of Section 203.

(v) Any employer who shall omit to comply with a requisition made under this section or who shall make any deduction in respect of rations supplied in pursuance of such requisition otherwise than in accordance with the provisions of this section shall be liable to a fine not exceeding two hundred dollars and to an additional fine not exceeding fifty dollars for each day during which such omission is or has been continued.

**211B.** The Controller or a Medical Officer may by order in writing at any time require the employer of any labourer to supply such labourer with cooked rations, either in accordance with one of the scales prescribed under sub-section (i) of Section 211A or in accordance with the scale for native patients for the time being in force in Government hospitals, for such period not exceeding one month as shall be specified in the order, and any employer who shall omit to comply with such order shall be liable to a fine not exceeding ten dollars for each day during which such omission continues in respect of each and every such labourer.

Special order for cooked rations or hospital rations.

E. 32 of 1914.

**211C.** When any requisition by the Controller under Section 211A for the supply of cooked rations or any order by the Controller or a Medical Officer under Section 211B has been made, the Controller may require the employer to employ and the employer shall thereupon employ in the preparation of such cooked rations such number of cooks approved by the Controller as the Controller shall consider necessary.

Cooks.

E. 32 of 1914.

**211D.** Any labourer who, without the consent of his employer, sells, barter, or disposes of for profit any ration, cooked or uncooked, provided by his employer under the provisions of this Enactment shall be liable to imprisonment of either description for a period not exceeding seven days; and any person who without such consent as aforesaid knowingly buys, takes in exchange, or otherwise receives any such ration shall be liable to a fine not exceeding twenty-five dollars or to imprisonment of either description for a period not exceeding one month.

Penalty for dealing in rations supplied.

E. 32 of 1914.

**211E.** Any employer may, with the written sanction of the Controller, agree with his labourers or any of them that he shall supply such labourers with

Supply of rations or rice and deduction from wages by agreement.

E. 32 of 1914.

(a) rations according to one or other of the scales prescribed under Section 211A or according to such other scale as shall be specially approved in writing by the Controller after consultation with the Principal Medical Officer, Federated Malay States, or

(b) rice in such quantities as the labourers may require and at a price not exceeding a specified rate

and may deduct from the wages of each such labourer the actual cost of rations or of rice so supplied to him, as the case may be; provided that no deduction so made shall

- (1) in the case of rations, exceed, except with the written sanction of the Controller, the maximum deduction fixed under Section 211A in respect of the scale of rations, if any, prescribed under that section for the class of labourers to which such labourer belongs :
- (2) in the case of rice, exceed the amount which the rice supplied would cost at the rate specified as in paragraph (b) provided.

Particulars of rations and deductions to be notified to labourers.

E. 32 of 1914.

**211F.** Every employer who is by a requisition under Section 211A or by an order under Section 211B directed to supply rations to any labourer and every employer who supplies rations or rice by agreement under Section 211E shall keep conspicuously exhibited on the place of employment and at all lines occupied by any labourer to whom rations are directed to be supplied or to whom rations or rice are agreed to be supplied notices, expressed in the native language or languages of such labourers, containing full particulars as to

- (a) the scale according to which rations are directed or rations or rice are agreed to be supplied :
- (b) the maximum deduction permitted to be made from wages in respect of rations or rice supplied.

Power of Medical Officer to order quinine, etc., to be administered.

**212.** The Medical Officer may at any time if it appears to him necessary for the health of the labourers employed on any estate by order in writing to the resident manager direct

- (a) that quinine be regularly administered free of charge in such doses and at such times as shall be stated in the order to all or any persons or to any class of persons employed or residing on the estate ;
- (b) that all or any of the labourers employed on the estate be vaccinated ;
- (c) that hot coffee or congee be provided at such times as shall be stated in the order, free of charge and in addition to the diets, if any, which the employer is bound to supply, to all or any labourers or to any class of labourers employed on the estate.

Daily inspection of lines.

**213.** (i) It shall be the duty of the employer to provide that all lines are visited and inspected daily by a dresser or other responsible person who shall report to the resident manager if the lines are not kept clean or if any refuse is allowed to accumulate in the neighbourhood of the lines, and shall also examine and if necessary take, or cause to be taken, to hospital any labourer found on the lines who appears to be suffering from any complaint and report to the resident manager that he has done so.

(ii) In any case where the Medical Officer shall consider that the visits, inspections, or other duties prescribed by sub-section (i) are not satisfactorily carried out he may notify the resident manager accordingly, specifying the matters in respect whereof he is not satisfied, and the resident manager shall thereupon make such further or other arrangements, whether by substituting a different

dresser or person to perform the said duties or otherwise, as the Medical Officer may require.

**214.** (i) It shall be lawful for an employer or resident manager, with the approval of the Controller, to make and publicly notify sanitary regulations for observance on any estate. Employer may make sanitary regulations.

(ii) Any labourer guilty of wilfully disregarding any sanitary regulation made and publicly notified under sub-section (i) and any labourer neglecting or refusing to go to hospital when so ordered by the resident manager, the resident medical practitioner, or a qualified dresser shall be liable, on conviction, to a fine not exceeding five dollars or to imprisonment for a term not exceeding fourteen days. Penalty.

**215.** Any employer omitting to comply with any of the provisions of Section 189 or with any order made under Section 194, 198, 200, 202, 207, or 209 shall be liable, on conviction by the Court, to a fine not exceeding two hundred and fifty dollars and to a further fine of fifty dollars a day for every day during which such default shall continue. Neglect by employer to comply with orders.

**216.** Any resident manager neglecting or refusing to comply with any order made under Section 196, 197, 201, 210, or 212 or with any requirement of a Medical Officer under Section 213 shall be liable, on conviction by the Court, to a fine not exceeding two hundred dollars and to a further fine of ten dollars a day for every day during which such default shall continue. Neglect by resident manager to comply with orders.

**217.** Every employer or resident manager who shall Offences against Sections 191 and 255.

(a) fail to provide separate lines for labourers of separate nationalities as directed by the Controller :

(b) erect or cause to be erected any lines intended for permanent use which are not in accordance with a design approved as suitable for the class of site selected or without having first submitted plans of such lines for approval and obtained such approval, as the case may be :

(c) fail to comply with any rule made under Section 258 or to furnish within the prescribed time any return required to be forwarded by him under any rule made under the said section ;

shall be liable, on conviction, to a fine not exceeding two hundred dollars.

## PART IX.

### PROVISIONS RELATING TO PLACES UNFIT FOR THE EMPLOYMENT OF LABOUR.

#### CHAPTER XXII.

#### ENABLING POWERS.

**218.** (i) Any person who desires to engage labourers for a place of employment on which labourers have not hitherto been employed or have not been employed within the preceding twelve months or who desires to increase the number of labourers already on such place of employment so that the existing arrangements will be inadequate and insufficient for such increase of labourers shall give Inspection of place of employment before employment of labourers or additional labourers.

notice in writing of his desire to the Controller, who shall as soon as possible enquire into and inspect the arrangements which have been made for the residence and employment of labourers on such place and may either permit or refuse to permit the employment of labourers or of additional labourers, as the case may be. If he refuses he shall forthwith furnish a report in writing to the Resident. No person shall employ or permit to reside on such place any labourers or additional labourers, as the case may be, without the permission in writing of the Controller.

Permission  
required.

Exemption.

(ii) The provisions of this section shall not apply to any person employing less than fifty labourers on any one place of employment unless such labourers are contract labourers.

Prohibition of  
further engage-  
ment of  
labourers where  
arrangements  
are inadequate.

**219.** (i) If the Controller shall at any time have reason to believe that the arrangements made for the residence and employment of labourers on any place of employment where labourers are living or employed are from any cause inadequate for the residence and employment of additional labourers on such place or that the health or condition of the labourers living or employed on such place is from any cause unsatisfactory, he shall have power by order under his hand conveyed to the employer to prohibit the employment of additional labourers on such place, and it shall thereupon be unlawful for any person to employ or permit to reside on such place any labourers other than those who were residing or employed thereon before the issue of such notice.

Removal of  
prohibitions.

(ii) On subsequent proof being furnished to the satisfaction of the Controller that adequate arrangements have been made for the residence and employment of additional labourers on such place of employment or that the health and condition of the labourers living or employed thereon have become satisfactory the Controller may rescind the order made under sub-section (i), and thereupon it shall be lawful for the employer to engage labourers for such place.

Penalty for  
causing or  
permitting  
labourers  
to reside in  
unhealthy  
locality.

**220.** Any employer who shall permit the residence or employment of labourers on any part of the place of employment in contravention of Section 218 or Section 219 shall be liable to a fine of five hundred dollars or to imprisonment of either description for a period not exceeding six months.

Power to Chief  
Secretary to  
Government to  
prohibit  
employment  
of labourers or  
class of labour-  
ers when  
supervision is  
inadequate.

**221.** (i) If the Controller shall at any time have reason to believe that there is no supervision of labourers, or that the supervision provided on any estate or place of employment is inadequate or ineffective to secure labourers or any class of labourers from ill-treatment or ill-usage, it shall be lawful for the Controller to make such requisitions on the employer as he may deem necessary for obtaining the necessary supervision and causing such ill-usage and ill-treatment to cease, and unless the same are forthwith complied with the Controller shall furnish a full report of the case to the Chief Secretary to Government who may, after consultation with the Resident, make an order prohibiting the further employment after a date to be named in such order of labourers or of any class of labourers on such estate or place of employment, and on the publica-

tion of the order in the *Gazette* it shall be unlawful for any person after the day named in such order to employ or permit to reside on such estate or place of employment any labourers or class of labourers specified in such order until the Chief Secretary to Government shall cancel such order.

(ii) If the Controller shall at any time have reason to believe that any estate or place of employment is unfit for the employment of labourers or any class of labourers he shall furnish a report in writing to the Chief Secretary to Government who may, after consultation with the Resident, make an order to the same effect as an order under sub-section (i).

Order in cases where place of employment is unfit.

(iii) No order shall be made under this section by the Chief Secretary to Government until the employer shall have had an opportunity of shewing cause against the making of an order and of producing evidence.

**222.** Any person who acts contrary to the terms of any order made under the provisions of Section 221 shall be liable, on conviction, to a fine of one thousand dollars with an additional penalty of two hundred dollars a day after the first day's disobedience during the continuance of such contrary action.

Penalty for disobedience to an order.

## PART X.

### SPECIAL OFFENCES.

#### CHAPTER XXIII.

#### OFFENCES AGAINST LABOURERS.

**223.** (i) Any person separating, or abetting the separation of, a labourer from his wife or from his children under the age of fifteen years or from any person dependent on him without in any of the above cases his or their consent shall be liable to a fine not exceeding one hundred dollars, and any agreement or contract involving such separation shall be void, and such wife, children, or dependent shall be forthwith restored to the labourer by the Controller.

Separating families.

(ii) In the event of an agreement or contract with any married labourer being determined the agreement or contract of the husband or wife, as the case may be, of such labourer shall *ipso facto* be determined and any employer refusing to allow the husband or wife, as the case may be, to accompany such labourer shall be liable to a fine not exceeding one hundred dollars.

**224.** Any person who, whether alone or in combination with others, hinders or molests by word, gesture, or act any labourer in the performance of his agreement or contract, shall be liable to a fine not exceeding two hundred dollars or to imprisonment of either description for a period not exceeding six months.

Penalty for molesting labourer.

**225.** (i) Any person who

Crimping.

(a) shall knowingly seduce or take, or attempt to seduce or take, from his service or employment any labourer; or

(b) shall take into his own service or employment any labourer bound by agreement or contract to serve another person, or shall conceal or harbour any labourer who shall have absented himself without leave from his employment, and shall in either such case fail to prove that he first used reasonable and proper diligence to satisfy himself that such labourer was not bound by agreement or contract to serve another person ; or

(c) shall after receiving notice in writing that a labourer is bound by agreement or contract to serve another person knowingly retain such labourer in his own service ;

Penalty.

shall be liable, on conviction, to a fine not exceeding one hundred dollars or to imprisonment of either description for a period not exceeding three months, or to both, in respect of each and every such labourer, and on conviction for a second or subsequent offence under this section to imprisonment for any period not exceeding six months.

Payment of fine to employer.

(ii) The whole or any portion of any fine recovered under this section may be awarded by the Court before which the conviction is had to the employer of the labourer in respect of whom such conviction may be had.

Wrongful dismissal or detention of labourer.

**226.** Every employer who without reasonable excuse (the proof whereof shall lie with him) shall

(a) dismiss from his service without notice (except as hereinbefore provided) any labourer under contract or agreement with him, such contract or agreement not having been duly determined as hereinbefore provided ; or

(b) refuse to allow a labourer whose contract or agreement has been determined in any of the ways hereinbefore provided to leave his service ;

Penalty.

shall be liable, on conviction, to a fine not exceeding fifty dollars or in default to simple imprisonment for a term not exceeding one month, and the whole or any portion of any fine recoverable under this section may be adjudged by the Court to be paid to the labourer.

Debiting labourer with improper charges.

**227.** If any employer of contract labour who is bound by the terms of his contract to supply a contract labourer free of charge with clothing or other articles shall debit such labourer with such charges, or if any employer who is bound to pay stamp duty or other fees on making a contract under this Enactment or for its endorsement shall charge a contract labourer with such duty or fees he shall be guilty of an offence and be liable, on conviction, to a fine not exceeding fifty dollars.

Obstruction of labourer by employer.

**228.** Any employer who in any way obstructs any labourer in appearing before the Controller in pursuance of this Enactment or fails or neglects to pay his wages within the time provided by this Enactment shall be liable to a fine not exceeding one hundred dollars.

## CHAPTER XXIV.

## OFFENCES BY LABOURERS.

**229.** Every labourer who shall without reasonable cause to be allowed by the Court Offences by labourer.

- (a) neglect or omit to fulfil his contract or neglect or refuse to attend at the time or place arranged to commence or carry on any work or, if there is no special arrangement as to the time, at such time as is customary according to the nature of the employment of such labourer ; or
- (b) leave unfinished or refuse to finish any work agreed or contracted to be done ; or
- (c) be guilty of gross neglect of duty, carelessness in the custody of the property of his employer, disobedience of lawful orders, insolence or other misconduct in the service of his employer ; or
- (d) quit the service of his employer without leave or abscond from the place of his employment or desert, or attempt to desert, from the service of his employer, his contract or agreement not having been duly determined as hereinbefore provided ;

shall be liable, on conviction, for the first offence to a fine not exceeding twenty-five dollars or in default to imprisonment for a term not exceeding one month, and for a second or subsequent offence to a fine not exceeding fifty dollars or to imprisonment of either description for a term not exceeding three months or to both, and the whole or any portion of any fine recoverable under this section may be adjudged by the Court to be paid to the employer.

**230.** Any labourer who wilfully breaks an agreement or contract, knowing or having reason to believe that the probable consequences of his so doing, either alone or in conjunction with others, will be to cause the stoppage of work in or upon any estate, factory, mine, or place of employment in such a manner as may be attended with serious loss to the owner of the same or serious inconvenience to the public shall be liable, on conviction before the Court, to a fine not exceeding one hundred dollars or to imprisonment of either description for a term not exceeding six months, and upon a second or subsequent conviction for the same offence he shall be liable to a fine not exceeding two hundred dollars or to imprisonment of either description for a term not exceeding twelve months.

Wilful breach of agreement or contract by labourer in conjunction with others.

Any labourer who on any day other than a recognized holiday absents himself from work in conjunction with others in such a manner as to cause delay or stoppage of the work on which he is employed shall be deemed to have committed the offence described in this section. E. 32 of 1914.

Neglect to  
labour.

**231.** Any labourer who shall without reasonable excuse neglect or refuse to do as required by his employer at least twenty days' work in any one month, such work being reasonable and proper, shall, on conviction, be liable to imprisonment of either description for a period not exceeding seven days.

Disobedience to  
orders and  
refusal to work.

**232.** Any labourer who without reasonable excuse disobeys any lawful order given by his employer or wilfully and knowingly omits to do any duty necessary to be done by him for the management, discipline, and good order of the place of employment shall be liable to a fine not exceeding fifty cents, and for a second or subsequent offence shall also be liable to imprisonment of either description for a period not exceeding fourteen days.

Expenses of  
arrest.

**233.** Every labourer convicted under Section 229 (*d*) shall in addition to any punishment be liable to repay to his employer the amount of any moneys, not exceeding ten dollars, which may be proved to have been reasonably expended, whether by way of reward or otherwise, in effecting his arrest and securing his conviction.

Penalty for  
absence during  
working hours.

**234.** A labourer who is absent from his employment without reasonable excuse during working hours shall be liable to a fine not exceeding fifty cents.

Meaning of  
desertion.

**235.** (i) A labourer deserts from his employer's service when he is continuously absent from his place of employment for more than twenty-four hours, exclusive of any Sunday or authorized holiday, without leave from his employer or without reasonable excuse, or when he is absent from his place of employment under such circumstances as shew that he does not intend to return to perform his agreement or contract.

Meaning of  
attempt.

(ii) A labourer shall be deemed to attempt to desert from his employer's service if he is found either on or off his place of employment under circumstances from which it may be reasonably inferred that he intends to desert.

Meaning of  
reasonable  
excuse.

**236.** Ill-treatment of a labourer by his employer or the neglect of the employer to fulfil any condition of the labourer's agreement or contract may be deemed to be a reasonable excuse under this Part.

Arrest of  
deserters and  
absentees.

**237.** If any labourer deserts, or attempts to desert, from his employer's service, or is unlawfully absent from his place of employment, or leaves, or attempts to leave, a place in which he has been ordered to remain for medical treatment under the provisions of this Enactment without leave from the officer in charge of such place, any officer of the department of the Controller may without warrant and without the assistance of any police officer (who, nevertheless, shall be bound to give such assistance if called upon to do so) apprehend such labourer wherever he may be found and take him back to the place of employment or to the place in which he was ordered to remain as aforesaid or to a police station.



**238.** Any labourer who wilfully inflicts on himself any injury or wilfully does any act by which he may be made unable to work, and any person abetting within the meaning of the Penal Code the infliction of such injury or the doing of such act, the injury or act being of such a character as to prevent the labourer from labouring according to the terms of his agreement or contract, shall be liable to imprisonment of either description for a period not exceeding one month.

Labourer disabling himself.

## CHAPTER XXV.

### GENERAL.

**239.** If any employer or other person wilfully obstructs or impedes any entry, inspection, enquiry, or investigation made under this Enactment or commits, with respect to such entry, inspection, enquiry, or investigation made, any offence described in Chapter X of the Penal Code, he shall be punished as provided in Chapter X of the Penal Code.

Penalty for obstructing inspection or enquiry.

**240.** Every person who is guilty of an offence against the provisions of this Enactment or of any rules made thereunder for which no penalty is otherwise provided shall be liable, on conviction, to a fine not exceeding one hundred dollars and for a second or subsequent offence under the same section or rule committed within one year of the conviction for the former offence to a fine not exceeding two hundred and fifty dollars.

General penalty.

## PART XI.

### PROVISIONS RELATING TO PROCEDURE, ACTIONS, AND RULES.

#### CHAPTER XXVI.

##### PROCEDURE.

**241.** The Court shall have power to try any offence and to impose any fine or penalty under this Enactment.

Jurisdiction of the Court.

**242.** The Controller shall have the right to appear and be heard before all inferior Courts, civil or criminal, in any proceeding under this Enactment.

Controller may appear.

**243.** Any prosecution under this Enactment may be withdrawn by the Controller before judgment, and a fresh prosecution instituted for the same offence under the Penal Code or other law applicable to the circumstances of the case.

Prosecution may be withdrawn.

**243A.** Where the Controller, or any officer performing the duties or exercising the powers conferred on the Controller, has for the purpose of enquiring into any matter under this Enactment taken down any evidence or made any memorandum and is prevented by death, transfer,

Power to deal with evidence taken down by another officer. E.2 of 1918.

*or other cause from concluding such enquiry, any successor to such Controller or other officer may deal with such evidence or memorandum as if he had taken it down or made it and proceed with the enquiry from the stage at which his predecessor left it.*

Penal Code.

**244.** Nothing in this Enactment shall interfere with the operation of the Penal Code, or the criminal law in any case in which its provisions may be applicable, but so that no person be punished twice for the same offence.

Public servants.

**245.** For the purposes of this Enactment and of the Penal Code, the Controller and all officers duly appointed or authorized under this Enactment shall be deemed to be public servants.

Public place.

**246.** For the purpose of any criminal prosecution, every estate, factory, mine, or place in which ten or more labourers are employed shall be deemed to be a public place.

Exemption of  
labourer from  
penalty if  
wages unpaid.

**247.** No remedy under any provision of this Enactment shall be enforced against any labourer for neglect or refusal to work, or for absence from work, or for absconding, if at the time of the alleged neglect, refusal, absence, or absconding his wages shall have remained unpaid for a period exceeding that by this Enactment prescribed, or exceeding the period (if any) stipulated in his agreement or contract: provided always that at least forty-eight hours before the time of such alleged neglect, refusal, absence, or absconding the labourer shall have demanded from his employer, or from the person representing such employer, the payment of wages due to him, and such employer or representative shall have refused or failed to pay the same.

Punishment  
not to  
determine  
agreement or  
contract.

**248.** No punishment, whether by way of fine or imprisonment, suffered under the provisions of this Enactment shall, unless the Court so direct, be held to determine any agreement or contract which was in force at the time the offence was committed.

Enactment no  
bar to civil suit.

**249.** Nothing in this Enactment shall operate to prevent any employer or labourer from enforcing their respective civil rights and remedies for any breach or non-performance of an agreement or contract by any suit in Court, in any case in which proceedings are not instituted, or, if instituted, are not proceeded with to judgment and satisfaction under this Enactment.

Onus of proof.

**250.** In all proceedings under Chapter XV or under Part VIII the onus of proving that he is not the employer or resident manager or the person whose duty it is under such Chapter or Part or under any rule made thereunder to do or abstain from doing anything shall be on the person who alleges that he is not the employer, resident manager, or other person, as the case may be.

Certified state-  
ment under  
Section 66.

**251.** A copy of the written statement made by any employer under Section 66 certified by the Controller as a true copy shall be received in evidence in any prosecution under that section and shall be conclusive evidence of the statement made by the employer to the Controller under the said section.

**251A.** (i) A summons issued by the Controller under Section 116, Section 126A, or Section 126B may be served on any person by delivering or tendering to him a copy thereof signed by the Controller provided that

Service of  
summons.  
E. 32 of 1914.

- (a) if the person to be summoned have an agent empowered to accept service of the summons on his behalf, service on such agent shall be sufficient ;
- (b) if the person to be summoned cannot be found and have no agent empowered to accept service of the summons on his behalf, service on any adult male member (not being a servant) of the family of the person to be summoned who is residing with him shall be sufficient.

When such summons as aforesaid is addressed to a corporation, it may be served

- (a) by leaving a copy thereof, signed by the Controller, at the registered office (if any) of the corporation ;
- (b) by sending such copy by post in a letter addressed to the corporation at its principal office, whether such office be situated within the Federated Malay States or elsewhere ;
- (c) by delivering such copy to any director, secretary, or other principal officer of the corporation.

(ii) When the serving-officer delivers or tenders a copy of the summons to the person to be summoned or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

(iii) If

- (a) such person refuses or is unable to sign the acknowledgment, or
- (b) the serving-officer cannot find the person to be summoned and there is no agent empowered to accept service of the summons on his behalf nor any other person on whom the service can be made,

the serving-officer shall affix a copy of the summons on the outer door of the house in which the person to be summoned ordinarily resides and then return the original to the Controller with a return endorsed thereon or annexed thereto stating that he has so affixed the copy and the circumstances under which he did so.

(iv) The serving-officer shall, in all cases in which the summons has been served under sub-section (ii), endorse or annex, or cause to be endorsed or annexed, on or to the original summons a return stating the time when and the manner in which the summons was served.

(v) When a summons is returned under sub-section (iii), the Controller shall, if the return under that sub-section has not been verified by the affidavit of the serving-officer, and may if it has been

so verified, examine the serving-officer on affirmation touching his proceedings and may make such further enquiry in the matter as he thinks fit and shall either declare that the summons has been duly served or order such service as he thinks fit.

(vi) Where the Controller is satisfied that there is reason to believe that the person to be summoned is keeping out of the way for the purpose of avoiding service or that for any other reason the summons cannot be served in the ordinary way, the Controller may order the summons to be served by affixing a copy thereof in some conspicuous place in or near the office of the Controller and also upon some conspicuous part of the house, if any, in which the person to be summoned is known to have last resided, or in such other manner as the Controller thinks fit, or may order the substitution for service of notice by advertisement in the *Gazette* and in such local newspaper or newspapers as the Controller may think fit.

(vii) The service substituted by order of the Controller shall be as effectual as if it had been made personally on the person to be summoned.

(viii) Whenever service is substituted by order of the Controller, the Controller shall fix such time for the appearance of the person to be summoned as the case may require.

Action on  
Colonial  
warrant for  
apprehension  
of absconding  
employer.

E. 2 of 1918.

**251B.** (i) Where a warrant has been issued in the Colony under any Ordinance of the Colony for the apprehension of an employer who has absconded or is absconding or is about to abscond from the Colony in order to evade payment of wages due to any of his labourers, and such employer is or is suspected of being in or on the way to the Federated Malay States, a Magistrate in the Federated Malay States, if satisfied that the warrant was issued by a person having lawful authority to issue the same, may endorse such warrant in the manner provided in this section, and the warrant so endorsed shall be a sufficient authority to apprehend, within the jurisdiction of the endorsing Magistrate, the employer named in the warrant, and bring him before the endorsing Magistrate or some other Magistrate in the Federated Malay States.

(ii) The Magistrate before whom an employer so apprehended is brought, if he is satisfied that the warrant was issued by a person having lawful authority to issue the same, and is satisfied on oath that the prisoner is the person named or otherwise described in the warrant, may order such prisoner to be returned to the Colony, and for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or any one or more of them, and to be held in custody and conveyed to the Colony there to be dealt with according to law as if he had been there apprehended.

A Magistrate shall, so far as is requisite for the exercise of the powers of this sub-section, have the same power, including the power to remand and admit to bail a prisoner, as he has in the case of a person apprehended under a warrant issued by him.

(iii) An endorsement of a warrant in pursuance of this section shall be signed by the authority endorsing the same, and shall

authorize all or any of the persons named in the endorsement, and of the persons to whom the warrant was originally directed, and also every police officer, to execute the warrant within the part of the Federated Malay States within which such endorsement is by this Enactment made a sufficient authority, by apprehending the person named in it and bringing him before some Magistrate in the said part, whether the Magistrate named in the endorsement or some other.

(iv) For the purposes of this section every warrant, and every endorsement made in pursuance of this section thereon, shall remain in force, notwithstanding that the person signing the warrant or such endorsement dies or ceases to hold office.

**252.** (i) Where under this Enactment an order is made for the payment of money, and the same is not paid as directed, it may be recovered *as if it were a fine* ; *provided that, if it cannot be realized, the imprisonment to be awarded shall be simple and for such term not exceeding thirty days as the Court directs ; such imprisonment shall not be deemed to liquidate or discharge any amount ordered to be paid by an employer to a labourer on account of wages.*

Recovery of money as fines.

E. 2 of 1913.

(ii) In the event of any person within the definition of the word "Employer" being subjected to any fine or penalty under the provisions of this Enactment such fine or penalty may, in addition to any other means of recovery, be recovered by distress and sale of the estate, mine, or place of employment, or of any property belonging to such estate, mine, or place of employment.

**253.** Subject to any special provision to the contrary contained in this Enactment, from and after the determination of any imprisonment suffered under this Enactment for non-payment of the amount of any fine, compensation, or damages, with the costs assessed and directed to be paid by any order of Court, the amount so ordered shall be deemed to be liquidated and discharged, and the order shall be annulled.

Imprisonment to be in discharge of compensation, etc.

**254.** When it is alleged by any party to a contract that the condition of a recognizance or bond entered into or given for the fulfilment of the contract under the provisions of this Enactment has not been performed, the Court, being satisfied thereof, after hearing the parties and the sureties (if any), or in the case of any party or surety not appearing, after proof of service of summons in that behalf, may order that the recognizance or bond be enforced for the whole or part of the sum secured, as to the Court may seem fit.

Enforcement of recognizance or bond.

**255.** When under this Enactment any Court imposes a fine or enforces the payment of any sum secured by recognizance or bond, the Court may, if it think fit, direct that the whole or any part of such fine or sum when recovered be paid to the party complaining.

Application of fines and money recovered.

**256.** The Controller shall make such reports to the Chief Secretary to Government relative to the conduct of the duties of his office in such form and with such particulars as the Chief Secretary to

Reports by Controller.

Government may from time to time direct and shall forward a copy of such reports to the Resident of each State to which such reports relate.

#### CHAPTER XXVII.

#### LIMITATION OF LIABILITY OF PERSONS EXERCISING POWERS.

Provisions  
regarding  
actions.

**257.** (i) No action shall be brought against any person for anything done, or *bonâ fide* intended to be done, in the exercise or supposed exercise of the powers given by this Enactment or by any rules made thereunder.

- (a) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof ;
- (b) after the expiration of three months from the date of the accrual of the cause of action ;
- (c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if at the trial the plaintiff shall fail to prove such allegation, judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court, before which the action is tried, shall certify its approbation of the action.

#### CHAPTER XXVIII.

#### PROVISIONS AS TO RULES.

Power to make  
rules.

**258.** (i) The Chief Secretary to Government, in addition to the powers expressly conferred by any other of the provisions of this Enactment, may from time to time make rules

- (a) subject to which immigrants may be engaged in the Federated Malay States for service in a country or State to which Indian emigration is authorized ;
- (b) to prescribe the ports in the Federated Malay States at which all or any class of immigrant ships may call and the place at such ports at which any such ships shall anchor ;
- (c) to prescribe the time at which immigrants shall disembark and at each port the place at which they shall land and the route by which they shall be conveyed from the landing place to the examination depôt ;
- (d) to prohibit all or any class of persons from boarding or communicating with or approaching all or any class of immigrant ships until the immigrants have disembarked ;

- (e) to prescribe the information to be given by a creditor to the Controller or Protector or to the keeper of a detention dépôt with regard to each immigrant indebted to him for passage money and advances ;
- (f) for the management and regulation of dépôts established under Section 8 ;
- (g) to prescribe the fees
  - (1) which may be lawfully demanded of an immigrant for the conveyance of such immigrant from an immigrant ship to an examination dépôt ;
  - (2) which may be lawfully demanded from a creditor for the use of a detention dépôt and for the maintenance of an indebted immigrant while detained therein ;
  - (3) which may be lawfully demanded from a creditor for the medical examination of an immigrant under Section 35.
- (h) To prescribe with regard to estate hospitals
  - (1) the nature of the accommodation and equipment to be provided and maintained ;
  - (2) the description and quantities of diets for patients to be provided ;
  - (3) the description of drugs and of surgical and medical appliances to be kept in stock ; and also
  - (4) the number of dressers, hospital attendants, cooks, scavengers, and other necessary servants to be employed ;
  - (5) the quantities of each drug and the number of each kind of surgical and medical appliance to be kept in stock ;at every such hospital according to the number of patients for whom accommodation is provided therein.
- (i) for the inspection and management of estate hospitals and in particular to prescribe the duties of the resident medical practitioner, and where there is no resident medical practitioner of the dresser in charge, and the registers and records to be kept at every estate hospital in respect of every patient treated thereat, with the form in which such registers and records are to be kept and the particulars to be included therein ; and
- (j) to direct that duly authenticated returns of diseases, deaths, and other matters relating to estates or estate hospitals be furnished to the Medical Officer and other officers of Government at such times and in such manner as may be specified in such rules ;
- (k) not inconsistent with the provisions of this Enactment which may in his opinion be necessary to provide for the

due carrying into effect of any of the provisions of this Enactment.

Penalty for  
breach of rules.

(ii) Any person who is convicted of the breach of any rule made under clause (e) or (f) of sub-section (i) shall be liable to a fine not exceeding twenty-five dollars, and any person who is convicted of the breach of any rules made under the other provisions of this section shall be liable to a fine not exceeding five hundred dollars.

THE FIRST SCHEDULE.  
ENACTMENTS REPEALED.

I.—STATE ENACTMENTS.

State.	No. and year.	Short title.
Perak ..	24 of 1899	The Labourers' Wages Priority Enactment, 1899
Selangor ..	32 of 1899	Do.
Negri Sembilan	24 of 1899	Do.
Pahang ..	3 of 1900	The Labourers' Wages Priority Enactment, 1900
.. ..	15 of 1901	The Labour Enactment, 1901
.. ..	8 of 1902	The Labour Enactment, 1901, Amendment Enactment, 1902
Perak ..	11 of 1904	The Labour Enactment, 1904, No. 1 (General)
Selangor ..	16 of 1904	Do.
Negri Sembilan	11 of 1904	Do.
Perak ..	12 of 1904	The Labour Enactment, 1904, No. 2 (Chinese Mining)
.. ..	.. ..	Do.
Selangor ..	17 of 1904	Do.
Negri Sembilan	12 of 1904	Do.
Perak ..	19 of 1904	The Labour Enactment, 1904, No. 3 (Chinese Agricultural), Amendment Enactment, 1904
Selangor ..	18 of 1904	The Labour Enactment, 1904, No. 3 (Chinese Agricultural)
Negri Sembilan	19 of 1904	The Labour Enactment, 1904, No. 3 Amended (Chinese Agricultural)
Perak ..	27 of 1904	The Labour Enactments, 1904, Amendment Enactment, 1904
Selangor ..	23 of 1904	Do.
Negri Sembilan	26 of 1904	Do.
Perak ..	28 of 1904	The Indian Immigration Enactment, 1904
Selangor ..	24 of 1904	Do.
Negri Sembilan	23 of 1904	Do.
Pahang ..	19 of 1904	Do.
.. ..	11 of 1906	The Labour Enactment, 1901, Amendment Enactment, 1906



State.	No and year.	Short Title.
Perak ..	14 of 1907	The Labour Enactment, 1904, No. 1 (General), Amendment Enactment, 1907
Selangor ..	3 of 1907	Do.
Negri Sembilan	3 of 1907	Do.
Perak ..	3 of 1907	The Labour Enactment, 1904, No. 2 (Chinese Mining), Amendment Enactment, 1907
Selangor ..	4 of 1907	Do.
Negri Sembilan	4 of 1907	Do.
Perak ..	15 of 1907	The Labour Enactment, 1904, No. 3 (Chinese Agricultural), Amendment Enactment, 1904, Amendment Enactment, 1907
Selangor ..	5 of 1907	The Labour Enactment, 1904, No. 3 (Chinese Agricultural), Amendment Enactment, 1907
Negri Sembilan	5 of 1907	Do.
Perak ..	5 of 1907	The Indian Immigration Enactment, 1904, Amendment Enactment, 1907
Selangor ..	1 of 1907	Do.
Negri Sembilan	6 of 1907	Do.
Pahang ..	6 of 1907	Do.
Perak ..	6 of 1909	The Truck Enactment, 1909
Selangor ..	7 of 1909	Do.
Negri Sembilan	7 of 1909	Do.
Pahang ..	10 of 1909	Do.

II.—FEDERAL ENACTMENTS.

No. and year.	Short title.
11 of 1910	The Chinese Immigrants Enactment, 1910
12 of 1910	The Labour Enactment, 1904, No. 1 (General), Amendment Enactment, 1910
19 of 1910	The Estate Labourers (Protection of Health) Enactment, 1910
20 of 1910	The Labour Enactments, 1904, No. 2 (Chinese Mining), Amendment Enactment, 1910
21 of 1910	The Labour Enactments, 1904, No. 3 (Chinese Agricultural), Amendment Enactment, 1910
22 of 1910	The Indian Immigration Enactments, 1904, Amendment Enactment, 1910
2 of 1911	The Tamil Immigration Fund Enactment, 1911
16 of 1911	The Labour Enactment, 1911

## THE SECOND SCHEDULE.

## Form A (Section 44).

I hereby certify that the person herein named and described is not subject to the provisions of Part II of "The Labour Code, 1912."

Signed .....

Dated.....

*Controller of Labour.*

Name.	Father's name.	Age.	Sex.	Religion and caste (if any).	Place of abode in India.	Calling.	General description and distinctive marks.

## Form B (Section 60).

For.....Emigrants shipped by s.s.....on.....

By.....For.....

Ticket No.	Name.	Father's name.	Sex.	Age.	Religion or caste.	Place of abode.	Dependent.	Height.	Descriptive marks.	Wages and period of service.	Place of intended service.	Remarks.

I hereby certify that the emigrants herein mentioned and described have been examined and declared physically fit for work as agricultural labourers (or as manual labourers, as the case may be), and that having had the terms and conditions under which they

promise to labour fully explained to them they have severally stated that they fully understand the same and are ready on arrival at their destination to labour accordingly.

Signed .....

*Emigration Agent,*

Madras.

Dated.....

Negapatam.

THE THIRD SCHEDULE.

(Section 66.)

No.	Name		Engagement.		Name of last employer.	Place of last employment.	Remarks (if any).
	Of labourer.	Of employer.	Date of	Place of			

I certify that the above is a correct statement as required by Section 66 of the Labour Code, 1912, of the labourers engaged by me.

.....

Dated.....

*Signature of Employer.*

NOTE.—Fourth Schedule repealed by E. 32 of 1914.

## ENACTMENT NO. 8 OF 1912.

An Enactment to provide for the execution of Treaties and Agreements entered into with the Rulers and Chiefs of the Federated Malay States.

ARTHUR YOUNG, [21st September, 1912.  
*President of the Federal Council.* 27th September, 1912.]

WHEREAS by an agreement signed and sealed in the month of July, 1895, the Rulers and Chiefs of Perak, Selangor, Negri Sembilan, and Pahang agreed (*inter alia*) to constitute their countries a Federation to be administered under the advice of the British Government: AND WHEREAS it is desirable in order that such agreement may be more effectually carried out that His Britannic Majesty's High Commissioner for the Malay States should be empowered after having obtained the approval in writing of such Rulers and Chiefs to execute Treaties and Agreements for and on behalf of the Rulers and Chiefs of the Federated Malay States:

It is, therefore, hereby enacted by the Rulers of the Federated Malay States in Council as follows:—

Short title and  
commence-  
ment.

1. This Enactment may be cited as “The Treaties and Agreements Validation Enactment, 1912,” and shall come into force on publication in the *Gazette*.

Execution of  
Treaties and  
Agreements by  
High Commis-  
sioner.

2. Any Treaty or Agreement expressed to be entered into by or on behalf of the Rulers and Chiefs of the Federated Malay States shall, if it is signed and sealed by His Britannic Majesty's High Commissioner for the Malay States or his successors in office, or in the event of his absence from the Federated Malay States or the Colony of the Straits Settlements by the officer for the time being carrying out the duties of such office, be as effectual and binding as if such Treaty or Agreement had been signed and sealed by the Rulers and Chiefs of the Federated Malay States by their own proper hands and in their own proper persons.

Evidence.

3. The fact that any such Treaty or Agreement has been executed as provided by Section 2 will be conclusive evidence that such Treaty or Agreement has been duly approved in writing by the Rulers and Chiefs of the Federated Malay States.

## ENACTMENT NO. 9 OF 1912.

As amended by Fed. E. 20 of 1917.

An Enactment to repeal and re-enact with amendments  
“The British and Foreign Companies Enactment,  
1910.”

ARTHUR YOUNG, [21st September, 1912.  
*President of the Federal Council.* 27th September, 1912.]

It is hereby enacted by the Rulers of the Federated Malay States  
in Council as follows :—

1. (i) This Enactment may be cited as “The British and Foreign  
Companies Enactment, 1912.” and shall come into operation  
on the publication thereof in the *Gazette*. Short title and  
commence-  
ment.

(ii) The Enactment mentioned in the schedule is hereby repealed Repeal.  
to the extent specified in the third column thereof.

(iii) All documents, particulars, and statements filed with the  
Registrar of Companies under the provisions of the Enactment  
hereby repealed and all rules made thereunder shall, so far  
as may be consistent with the provisions of this Enactment, be  
deemed to have been filed and made under this Enactment.

2. (i) Every company incorporated outside the Federated Malay Particulars to  
be registered  
regarding  
companies  
established  
outside the  
F.M.S.  
States which has prior to the commencement of this Enactment  
established a place of business or carried on business within the  
Federated Malay States shall within four months from the date of  
such commencement, and every company incorporated outside  
the Federated Malay States which shall after the commencement  
of this Enactment establish a place of business or commence to  
carry on business in the Federated Malay States shall within three  
months after such place of business has been established or after  
commencing to carry on such business file with the Registrar of  
Companies at Kuala Lumpur

(a) a certified copy of the enactment, charter, statutes, or  
memorandum and articles of association of the company  
or other instrument constituting or defining the con-  
stitution of the company, and if the instrument is not  
written in the English language, a certified translation  
thereof ;

(b) an authenticated list of the directors of the company ;

(c) an authenticated statement of the names and addresses of  
some one or more persons resident in the Federated Malay

States authorized to accept on behalf of the company service of process and any notices required to be served on the company ;

and in the event of any alteration being made from time to time in such instrument or in the directors or in the names or addresses of any such persons as aforesaid, the company shall within six weeks thereof file particulars of such alteration.

(ii) Any process or notice required to be served on the company shall be sufficiently served if addressed to any person whose name has been so filed as aforesaid and left at or sent by registered post to the address which has been so filed.

(iii) In this section—

The expression “certified” means certified in such manner as the Chief Secretary to Government may from time to time by rule prescribe to be a true copy or a correct translation, as the case may be ;

The expression “authenticated” means authenticated by the signature of a director or secretary of the company or in such other manner as the Registrar of Companies may deem sufficient ;

The expression “place of business” includes a share transfer or share registration office ;

The expression “director” includes any person occupying the position of director by whatever name called.

Provided that this Enactment shall not apply to any company incorporated outside the Federated Malay States and not having established a place of business within the Federated Malay States which shall sell outright or consign goods, wares, merchandise, or things to any person within the Federated Malay States.

Annual statement to be filed by other than private companies.

3. (i) Every company to which this Enactment applies other than a private company shall within six months from the time when it shall have established a place of business or commenced to carry on business, whichever shall first happen, and thereafter at least once in each calendar year, file with the Registrar of Companies at Kuala Lumpur a statement, made up to such date as may be specified in the statement, in the form of a balance sheet, audited by the company's auditors, and containing a summary of its share capital, its liabilities, and its assets, with such particulars as shall disclose the general nature of such liabilities and assets and how the values of the fixed assets have been arrived at, but the balance sheet need not include a statement of profit and loss.

(ii) In this section the expression “private company” means a company which by its articles

- (a) restricts the right to transfer its shares ; and
- (b) limits the number of its members (exclusive of persons who are in the employment of the company) to fifty ; and
- (c) prohibits any invitation to the public to subscribe for any shares or debentures of the company.

4. Every company to which this Enactment applies, and which uses the word " Limited " or any word with the like meaning as part of its name, or which is a company having limited liability, shall

Provisions as regards " Limited " companies.

- (a) in every prospectus, notice, circular, advertisement, or other invitation offering to the public in the Federated Malay States for subscription or purchase any shares or debentures of the company state the country in which the company is incorporated ;
- (b) conspicuously exhibit on every place where it carries on business in the Federated Malay States the name of the company and the country in which the company is incorporated ;
- (c) have the name of the company and the country in which the company is incorporated mentioned in legible characters in all the bill-heads and letter paper and in all notices, advertisements, and other official publications of the company.

\* \* \* \* \*

Section 5 repealed by E. 20 of 1917.

6. (i) If any company to which this Enactment applies fails to comply with any of the requirements of Sections 2, 3, or 4, the company and every officer or agent of the company shall be liable to a fine not exceeding fifty dollars.

Penalty.

(ii) Any agent of any company to which this Enactment applies shall be reimbursed by the company in default for every fine, and all expenses of, and incidental to, such default which may be incurred by him under this Enactment, and for such purpose he may either before or after action taken by him reimburse himself by selling or otherwise realizing any property in his control of the company in default.

7. (i) It shall be the duty of the Registrar to report to the Public Prosecutor all cases in which the provisions of this Enactment are contravened.

Duty of Registrar of Companies.

(ii) No prosecution shall be brought without the previous sanction of the Public Prosecutor.

8. (i) In all prosecutions under this Enactment a certificate given by the Registrar under his hand that any document has not been filed with him or that any document filed with him was so filed on a certain date shall be conclusive evidence of the facts stated in such certificate until the contrary be proved.

Certificate of Registrar of Companies.

(ii) Any copy of, or extract from, any of the documents kept and registered in the office of the Registrar of Companies under this Enactment shall, if duly certified under the hand of the Registrar to be a true copy, be received in evidence in all legal proceedings, civil or criminal, and in all cases whatsoever as if it were the original document.

9. There shall be paid to the Registrar of Companies for registering any document required by this Enactment to be filed with him a fee of two dollars and fifty cents.

Fees.

Application of  
Enactment.

**10.** This Enactment shall cease to apply to any company incorporated outside the Federated Malay States which has ceased, or shall hereafter cease, to have a place of business established within or to carry on business within the Federated Malay States.

Power to make  
rules.

**11.** The Chief Secretary to Government may from time to time make rules

- (a) to prescribe the fees to be charged for the preparation and certification of copies of, or extracts from, any document filed under the provisions of this Enactment ;
- (b) to prescribe the hours at which and the conditions under which documents filed under the provisions of this Enactment shall be open to inspection by the public and the fees to be charged for such inspection ;
- (c) to prescribe the manner in which the copies and translations of instruments to be filed under Section 2 shall be certified ;
- (d) generally to provide for the due carrying into effect of the provisions of this Enactment.

#### SCHEDULE.

#### FEDERAL ENACTMENT REPEALED.

No. and year.	Short title.	Extent of repeal.
17 of 1910	The British and Foreign Companies Enactment, 1910	The whole



## ENACTMENT NO. 10 OF 1912.

An Enactment to provide for the Defacement of Counterfeit Coins by persons to whom they are tendered.

ARTHUR YOUNG,  
*President of the Federal Council.*

[21st September, 1912.  
27th September, 1912.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. This Enactment may be cited as “The Counterfeit Coin Enactment, 1912,” and shall come into force upon the publication thereof in the *Gazette*. Short title and commencement.

2. In this Enactment the words “counterfeit” and “public servant” shall have the meanings assigned to them by the Penal Code, and “current coin” shall mean any coin made by law a legal tender in the Federated Malay States or any of them. Definition.

3. (i) Where any coin shall be tendered as current coin to any person who shall suspect the same to be diminished otherwise than by reasonable wear or to be counterfeit, it shall be lawful for such person to cut, break, bend, or deface such coin, and if any coin so cut, broken, bent, or defaced shall appear to be diminished otherwise than by reasonable wear, or to be counterfeit, the person tendering the same shall bear the loss thereof; but if the same shall be of due weight and shall appear to be lawful coin, the person cutting, breaking, bending, or defacing the same shall receive the same at its face value; and if any dispute shall arise whether the coin so cut, broken, bent, or defaced be diminished in manner aforesaid or counterfeit, it may be heard and finally determined in a summary manner by any Magistrate, who is hereby empowered to examine upon oath as well the parties as any other person in order to the decision of the dispute. Coin suspected to be diminished or counterfeit may be cut by any person to whom it is tendered. Who shall bear the loss.

(ii) It shall be the duty of every public servant to whom in the performance of his duties there shall be tendered in payment of any part of the revenues of the Federated Malay States or presented for inspection or otherwise any coin which shall appear to be a counterfeit of current coin or to have been unlawfully diminished to cut, break, or deface, or cause to be cut, broken, or defaced, every such coin.

4. Where any person has prior to the commencement of this Enactment cut, broken, bent, or defaced any counterfeit coin which has been tendered to him or has in any manner come into his possession or under his control, such cutting, breaking, bending, or defacing shall be deemed to have been lawfully done and such person shall not be liable to any damages or to any prosecution, suit, or other proceedings at the instance of any person whomsoever on account of such cutting, breaking, bending, or defacing. Indemnity for past action.

## ENACTMENT NO. 13 OF 1912.

As amended by Fed. E. 24 of 1919.

An Enactment to repeal and re-enact with amendments the Law for the better Regulation and Control of Vehicles.

ARTHUR YOUNG, [21st September, 1912.  
*President of the Federal Council.* 1st January, 1913.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and  
commence-  
ment.

1. This Enactment may be cited as “The Vehicles Enactment, 1912,” and shall come into force on the 1st day of January, 1913.

Repeal.

2. Upon the commencement of this Enactment the Enactments specified in the schedule shall be repealed : provided that all appointments of officers made, acts of registration effected, licenses granted, and plates and badges issued under any Enactment hereby repealed shall, subject to the terms thereof, and so far as may be consistent with the provisions of this Enactment, be deemed to have been made, effected, granted, and issued under this Enactment.

Interpretation.

3. In this Enactment, unless the context otherwise requires—

“ Vehicle ” includes all coaches, carriages, carts, gharries, shandridans, wagons, omnibuses, hand-carts, bicycles, trieycles, multi-cycles, and jinrikishas (other than jinrikishas used for hire or for any trade purpose) which are used, or intended to be used, within the Federated Malay States for the conveyance of persons, goods, or merchandise.

“ Driver ” means the person for the time being in charge of any vehicle, and includes any person who may have temporarily left a vehicle unattended in any public place ;

“ Hackney carriage ” means a vehicle drawn by one or more horses, and ordinarily used, or intended to be used, for the conveyance of passengers and their luggage for hire, but does not include an omnibus ;

“ Private carriage ” means a vehicle drawn by one or more horses, or a private jinrikisha ordinarily used, or intended to be used, for the conveyance of persons only, and not used for hire or for any trade purposes ;

“ Omnibus ” means a vehicle drawn by one or more animals, ordinarily running regularly between certain points, and conveying passengers at a separate charge per head ;

“Animal” includes horses, ponies, asses, mules, bullocks, and buffaloes ;

“Sanitary Board” means a Sanitary Board duly appointed according to law, and includes any member or servant of such Board to whom the Board shall have, in writing, delegated all or any of the powers given to it under this Enactment ;

“Registrar” means a Registrar of Vehicles appointed under this Enactment ;

“Registration period” means the period between any date fixed by the Registrar under Section 11 and the date on which the effect of any registration then effected expires.

4. The Resident of each State may, by notification in the *Gazette*, from time to time appoint officers to act as Registrars of Vehicles in such State, and except when expressly ordered to the contrary by the Resident of any State such officers shall, in the execution of their duties within the jurisdiction of any Sanitary Board, be subject to the direction and control of such Board.

Appointment  
of Registrars.

5. Every Registrar shall keep a register in which he shall describe every vehicle registered by him, *and shall enter the name and address of the owner thereof.*

Register to  
be kept.  
E. 24 of 1919.

6. Every vehicle kept within any State shall be registered as hereinafter provided at the office of a Registrar in the district in which it is kept : provided that any vehicle which has been duly registered or licensed in any of the Federated Malay States, or in the Colony, shall not be required to be re-registered or re-licensed within the Federated Malay States during the period covered by such registration.

All vehicles to  
be registered.

7. (i) In the event of any registered vehicle being transferred to different ownership, the transferor shall give notice of such transfer, together with the name and address of the transferee, at the office of the Registrar in which such vehicle is registered. *Such notice, together with his name and address, may also be given by the transferee. Until such notice shall have been given by the transferor or transferee the transferor shall continue to be liable for the due performance and observance of all the provisions of this Enactment in respect of such vehicle.*

Registration of  
transfers.  
E. 24 of 1919.

(ii) Any person acquiring the ownership of a registered vehicle whose name and address shall not be on the register as the owner of such vehicle, shall be deemed to be keeping or using an un-registered vehicle and be liable to the penalties in such case provided.

(iii) Upon receipt of the notice referred to in sub-section (i) the Registrar shall, upon payment of a fee of twenty-five cents, register the transfer unless good reason to the contrary appear.

(iv) Any transferor failing to give the notice required by sub-section (i) shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty-five dollars.

Change of abode  
by owner of  
registered  
vehicle.

E. 24 of 1919.

7A. (i) *Whenever the owner of a registered vehicle, not being the holder of a license issued under this Enactment, changes his place of abode, he shall forthwith, either personally or in writing under his hand, notify such change to the Registrar, and the Registrar shall thereupon enter in the register a memorandum of such change.*

(ii) *Any such owner who contravenes the provisions of sub-section (i) shall be liable, on conviction before a Magistrate, to a fine not exceeding ten dollars.*

Penalty for  
non-regis-  
tration, etc.

8. Subject to the proviso contained in Section 6 any person keeping or using any unregistered vehicle, or using or allowing the use of any vehicle required under this Enactment to be licensed without such license having been obtained, or using a vehicle licensed in one class as a vehicle of another class, except as a private carriage, shall, on first conviction before a Magistrate, be liable to a fine not exceeding fifty dollars, and on any subsequent conviction to a fine not exceeding two hundred and fifty dollars, and the Registrar, or his agent, or any police officer may seize and remove to a police station or pound any such vehicle together with any harness and animal or animals used therewith : provided that such seizure shall not be effected at a time when the vehicle is employed in the conveyance of any passenger. If the vehicle so seized be not claimed, or if any penalty imposed under this section be not paid within fourteen days, such vehicle, with the harness and animal or animals, if any, seized with it, may be sold by order of a Magistrate, and the proceeds applied to the payment of the penalty, if any, and of all costs and charges incurred on account of the detention and sale, and the surplus if any, if not claimed by the owner within a further period of sixty days, shall be forfeited to the Federated Malay States.

Taxes and fees  
on registration.

9. Subject to the exemptions specified in the following section, taxes and fees at the rates fixed by any rules made hereunder shall be payable in advance at the time of registration in respect of the vehicles specified in such rules, and no vehicle shall be registered until such taxes and fees, if any are due, shall have been paid to the Registrar.

Exemptions.

10. The following vehicles shall be exempt from payment of fees on registration and from taxation—viz.

- (a) All vehicles belonging to the High Commissioner, the Rulers of the Federated Malay States and the Chiefs who are members of the State Council of the State of Negri Sembilan, the Chief Secretary to Government, and the Resident of each State ;
- (b) One vehicle belonging to each Member of the Federal Council or of any State Council if not otherwise exempted ;
- (c) One vehicle belonging to each Government officer who draws a horse allowance from Government funds, and two vehicles belonging to each Government officer who draws two or more horse allowances from Government funds ;
- (d) Vehicles belonging to Government departments if legibly and conspicuously marked with the name of the department employing them ;

- (e) Bicycles, tricycles, and multicycles not kept or used for hire or for any trade purposes ;
- (f) Vehicles kept exclusively for sale by *bonâ fide* dealers therein ;
- (g) Vehicles left unused in the absence of their owners from any State during the whole of any registration period ;
- (h) Children's carriages, the wheels of which do not exceed 24 inches in diameter ;
- (i) Carts that are kept on and used exclusively within the boundaries of any estate, plantation, or mine if legibly and conspicuously marked with the name of the owner and locality of the estate, plantation, or mine : provided that where an estate, plantation, or mine abuts on both sides of a roadway not included within the boundaries of such estate, plantation, or mine, carts shall not by reason merely of proceeding from one part of such estate, plantation, or mine to another part thereof, in pursuance of a general or special permission in writing in that behalf from the Resident of the State wherein such estate, plantation, or mine is situate, be deemed to be excluded from the benefit of the exemption hereby conferred. Provided further that any such permission may be subject to such conditions as the Resident may impose in respect thereof and may be revoked by the Resident at pleasure.

11. Registration of vehicles shall take place annually, or at such other periods in each State as the Resident of such State may, by notification in the *Gazette*, appoint, and upon such date or dates as may accordingly be fixed by the Registrar, and published in the *Gazette* at least three weeks previously to such date or dates. Any registration then effected shall remain in force during one registration period or no longer ; but any person wishing within any such registration period to keep a vehicle not registered at the last preceding date of registration may at any time apply to the Registrar for registration.

Dates of  
registration.

12. For the purposes of this Enactment it shall be lawful for the Registrar to require any person to furnish him with a return of the vehicles in his possession, use, or charge, and such person shall thereupon be legally bound within the meaning of Section 191 of the Penal Code to furnish a true return accordingly. Any person who neglects or refuses to furnish such return within one week from the receipt by him of the Registrar's requisition, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty dollars.

Registrar may  
require returns.

13. No vehicle, except private carriages and vehicles exempted under Section 10, shall be registered until it has been licensed, before which it must be produced for the inspection of the Registrar, and, together with any animal or animals and harness and fittings intended to be used therewith, approved by him as fit for the purposes for which they are to be used. Any license so granted shall remain in force until the end of the registration period in which it is granted, unless previously cancelled or suspended under the provisions of this Enactment, and shall set out the number and date

Licenses.

thereof, and the date of its expiration, the name and residence of the licensee, the class in which such vehicle is licensed, the number of animals, if any, by which such vehicle is to be drawn, the name of the place where the license is issued, and the amount of the tax and fees paid in connection therewith : and, in the case of a hackney carriage or omnibus, the maximum number of passengers and weight of luggage which may be carried in or upon such vehicle. These particulars shall also be entered in a register kept by a Registrar for that purpose.

Tyres of carts.

**14.** No cart, except hand-carts and carts on springs, shall be licensed if the tyres of its wheels are less than three inches in width.

Number plates.

**15.** On any vehicle license being granted, the Registrar shall cause to be affixed to the vehicle in respect of which it is granted, in such manner as he may think fit, such a plate or plates bearing the number of the license as the Resident of any State may from time to time prescribe for use in such State : and shall further cause such vehicle and any harness and fittings intended to be used therewith to be marked in such other manner as he may think fit.

Using vehicle  
without  
number plates.

**16.** The licensee of any vehicle who shall allow such vehicle to be used or let for hire, and the driver who shall drive such vehicle, without having such plate or plates affixed or with harness or fittings not marked as provided in the last preceding section, shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty dollars.

Registrar may  
require produc-  
tion of vehicle,  
etc.

**17.** The Registrar may at any time, by notice, summon the licensee or driver of any vehicle to produce the same for his inspection, together with any animal or animals, harness and fittings used therewith, and every licensee or driver who neglects to obey such summons within seven days from the service of such notice shall be liable, on conviction before a Magistrate, to a fine not exceeding ten dollars. The Registrar may at any time cancel or suspend the license of any vehicle, if it shall appear to him that such vehicle, or any animal, harness, or fittings used therewith, are unserviceable or unsafe, or otherwise unfit for the purpose for which they are used, and may confiscate any unserviceable harness or fittings which he may find in use.

Drivers.

**18.** No person under the age of 16 shall act as driver of any licensed vehicle drawn by any animal, and no person, unless licensed in that behalf as hereinafter provided, shall act as driver of any licensed vehicle drawn by any animal other than a bullock or buffalo cart without springs, and any owner or person in charge of such vehicle who shall permit any such person to act as driver, and any unlicensed person so acting, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty dollars.

Drivers'  
licenses.

**19.** The Registrar shall, upon the application of any fit person, and the payment of the fees specified in any rules made hereunder, issue to him a non-transferable driver's license, which shall be in force until the termination of the registration period for which it is granted, unless previously cancelled or suspended under the

provisions of this Enactment. Such license shall set out the number and date thereof, and the date of its expiration, the name, residence, and apparent age of the licensee, the description of vehicle to be driven, the name of the place where the license is issued, and the amount of the fee paid in connection therewith. These particulars shall also be entered in a register kept by the Registrar for that purpose.

20. The Registrar shall, at the time of granting any driver's license, deliver to the licensee a metal badge marked with the number of the license, and such licensee, while acting as driver or attending before any Magistrate, shall carry such badge strapped on his left arm above the elbow in such manner that the number on the badge shall be clearly exposed to view. Badges.

21. Whenever the holder of any license issued under this Enactment shall change his place of abode, he shall forthwith attend in person with his license at the office of the Registrar, who shall thereupon enter upon the license and in the register a memorandum of such change. Any holder of any such license who omits to attend and give notice of a change of abode shall be liable, on conviction before a Magistrate, to a fine not exceeding ten dollars. Change of  
abode.

22. Upon the expiration, or upon the cancellation or suspension by the Registrar of any license issued under this Enactment, it shall be the duty of the person to whom such license was issued to return the same to the Registrar's office within seven days after such expiration, cancellation, or suspension, and at the same time to return any number plates or badges issued with such license, and any person who shall wilfully neglect to return the same shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty dollars. Return of  
licenses, etc.

23. Any person who shall, for the purposes of deception, use or have in his possession any plate or badge issued under this Enactment, or shall use any such plate or badge without having first obtained a license, or after the expiration or cancellation or during the suspension of the license with which it was issued, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred dollars. Fraudulent  
use of badges.

24. Whenever the number on any plate or badge issued under this Enactment shall have become obliterated or so defaced as not to be distinctly legible, the person to whom it was issued, or in the case where a vehicle has been transferred the person who is on the register in respect of such vehicle shall return the same to the Registrar, and may obtain from him a new plate or badge upon payment of the cost of the same, and any person who shall use or permit the use of any plate or badge of which the number shall have become so obliterated or defaced, shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty-five dollars. Illegible  
numbers.

25. Whenever it shall have been proved to the satisfaction of the Registrar that any plate or badge issued under this Enactment has been lost or destroyed, the person to whom it was issued, or in the case where a vehicle has been transferred the person who is on the Lost plates or  
badges.

register in respect of such vehicle shall be entitled to receive from the Registrar upon payment of the cost of the same, a new plate or badge. If any plate or badge so lost shall afterwards be found, the same shall forthwith be returned to the Registrar, and any person having possession of the same, who shall wilfully neglect so to return it, shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty-five dollars.

Rates of hire.

**26.** The licensee or driver of any hackney carriage, omnibus, or cart without springs, drawn by any animal in any State, shall be entitled to receive for the hire of such vehicle, or, in the case of an omnibus, of a seat therein, such fares as the Resident of such State may from time to time, by order published in the *Gazette*, direct : provided that nothing herein contained shall be deemed to prevent the licensee or driver of any such vehicle from being bound by any contract into which he may enter to receive payment at a lower rate than that in force for the time being.

Tables of fares.

**27.** The Registrar shall supply to the licensee of every hackney carriage or omnibus a table of distances and of the fares in force for the time being, and any such licensee who shall fail to keep the same exhibited conspicuously and in a legible condition in the inside of such vehicle shall be liable, on conviction before a Magistrate, to a fine not exceeding ten dollars.

Refusal to pay fares.

**28.** Any person hiring a licensed vehicle who shall refuse to pay the legal fare on demand at the end of the journey to the licensee or driver of the same shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty-five dollars and may further be ordered to pay the proper fare, and the Magistrate may order the whole or any part of such fine to be paid to the said licensee or driver.

Disputes as to fares.

**29.** In the event of any dispute between the hirer and the driver of a licensed vehicle, the hirer may require the driver to drive to the nearest police station, where the case shall be entered together with the substance of the dispute, and if the dispute shall be in respect of the amount of the fare to be paid, the hirer shall deposit the amount demanded from him with the officer in charge of the station, who shall pay the same over to the Registrar, to be by him retained until the matter in dispute shall be decided by a Magistrate or otherwise : provided that if any Magistrate be sitting at a convenient distance at the time, the hirer may require the driver to drive to the Court of such Magistrate, who shall hear and determine the dispute in a summary way.

Endorsement of license.

**30.** It shall be lawful for any Magistrate, before whom a licensed driver is convicted of any offence, whether under this Enactment or under any other law, to endorse a memorandum of such conviction on the license of such driver, and to revoke, or for a time suspend, such license. Every license so revoked or suspended shall forthwith be forwarded by the Magistrate to the Registrar.

Offences by drivers.

**31.** Every licensed driver of a hackney carriage or omnibus who, without reasonable excuse, the proof of which shall lie on him,



- (a) refuses to accept a passenger on demand ;
- (b) plies for hire, not being properly dressed, or with his vehicle, animal, harness, or fittings in an unfit condition ;
- (c) fails to drive at a reasonable speed when conveying passengers, or to stop when required to do so ;
- (d) refuses to carry the full number of passengers or the full amount of luggage specified in the vehicle license ;
- (e) carries more passengers or luggage than is permitted by the vehicle license ;
- (f) uses a fewer number of animals than are specified in the license to draw his vehicle ;
- (g) demands more than the fare to which he is legally entitled
- (h) fails whilst acting as a driver or when appearing before a Magistrate to wear his badge conspicuously on his left arm ;
- (i) refuses to drive to the nearest police station or Magistrate's Court under the circumstances provided for in Section 29 ;
- (j) neglects either to return to its owner or to immediately deposit at a police station any property left in his vehicle by a passenger ;
- (k) knowingly allows a person suffering from an infectious disease to use his vehicle, or, having carried a person suffering from an infectious disease, fails to report the fact to the Registrar, and to effectually disinfect his vehicle before again allowing it to be used ;

shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty dollars.

**32.** Every person in charge of a vehicle who, without reasonable excuse, the proof of which shall lie on him. Other offences.

- (a) neglects to carry a light or lights as required by Section 35 ;
- (b) overloads his vehicle ;
- (c) is intoxicated ;
- (d) is asleep ;
- (e) neglects to observe the rule of the road ;
- (f) neglects to maintain efficient control over his vehicle and animal, if any ;
- (g) wilfully or negligently causes an obstruction in a public place ;

shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty-five dollars.

**33.** Any person or persons found in a public place drawing or pushing a hand-cart which, with its load, is too heavy for him or them to manage easily, shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty-five dollars, and the license of such hand-cart may be dealt with as provided in respect of other licenses by Section 30. Control of hand-carts.

**34.** Any owner or licensee of any vehicle, of which the driver or person in charge is convicted of any offence under this Enactment in Liability of owner.

respect of his vehicle, animal, harness, or fittings, shall, if it appears to the Court that such owner or licensee should also be held responsible, be liable to the same penalty as is provided for the driver's offence, unless he shall prove that the offence was not committed with his connivance, and that he had taken every reasonable precaution and had made all reasonable provision to prevent the commission thereof. In any case in which the licensee of a vehicle is convicted under this section, the vehicle license may be dealt with by the Court in the manner provided in respect of a driver's license in Section 30.

Owner of  
vehicle bound  
to assist in  
serving process  
on person in  
charge.

E. 24 of 1919.

**34A.** (i) *Whenever, upon complaint made of the commission by the person in charge of a vehicle of any offence mentioned in Section 32, any summons or warrant is issued by a Court to secure the attendance before it of such person, every other person who was, at the time when such offence is alleged to have been committed, owner in whole or in part of the said vehicle shall be bound to give, on the demand of any police officer, such information and assistance as will enable the summons to be served personally or the warrant to be executed, as the case may be, and shall for any failure to discharge this obligation be liable, on conviction before a Magistrate, to a fine not exceeding twenty-five dollars.*

(ii) *Where a person found liable to a penalty under this section is the licensee of a vehicle, the vehicle licence may be dealt with by the Court in the manner provided in respect of a driver's licence by Section 30.*

Lights.

**35.** (i) Every vehicle, except bicycles, tricycles, and multicycles, whilst in use or waiting in any public place between half an hour after sunset and half an hour before sunrise, shall carry two clearly visible white lights enclosed in lamps showing red behind, which shall be affixed to each side of the front of each vehicle. Such lamps shall be of such pattern and affixed to such vehicle in such manner as shall be approved by the Registrar; provided that a light shall not be deemed to be clearly visible within the meaning of this sub-section if any matter or thing carried on the vehicle whereto such light is affixed, not being a matter or thing entirely contained within the interior of such vehicle, be so placed as to obstruct the view of such light from the front, rear, or outer side thereof.

(ii) Bicycles, tricycles, and multicycles while in use or waiting in any public place between half an hour after sunset and half an hour before sunrise, shall carry a clearly visible white light enclosed in a lamp. Such lamp shall be of a pattern and affixed in such manner as shall be approved by the Registrar.

Speed of  
vehicles.

**36.** The driver or person in charge of any vehicle proceeding at a pace likely, under the circumstances, to endanger any of the public, or any public or private property, and the driver or person in charge of any vehicle, within the limits of any town, as by law defined, proceeding at a greater speed than that of eight miles an hour, shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty dollars.

Warning of  
approach.

**37.** (i) The rider or person in charge of any bicycle, tricycle, or multicycle shall, when meeting or overtaking any other vehicle or

foot-passenger, give, from a reasonable distance, a clearly audible warning of his approach, by sounding a bell or gong or by other similar means approved by rule under this Enactment.

(ii) No vehicle except bicycles, tricycles, or multicycles shall use mechanical means to give warning of their approach except that vehicles drawn by horses, ponies, asses, mules, bullocks, or buffaloes may have a bell attached to the harness which is rung by the action of the animal drawing the vehicle.

**38.** The Sanitary Board of each town or district shall provide in such places, as may from time to time be found necessary, spaces to be used as public stands for hackney carriages, and shall, in every such place, erect a board notifying conspicuously that such place is a public stand, stating the number of vehicles which it is intended to accommodate, and bearing a table of fares and distances. Any driver waiting or loitering on the public streets or roads with a disengaged hackney carriage, whilst there is accommodation available at any public stand within a reasonable distance, shall be liable, on conviction before a Magistrate, to a fine not exceeding ten dollars.

Stands for  
hackney  
carriages.

**39.** It shall be lawful for a Sanitary Board to license the owner or occupier of any premises to use the same for the purpose of housing hackney carriages and stabling the horses used therewith, and such licensed premises shall be deemed to be public stands. Premises may, in the same way, be licensed for the stabling of bullocks.

Licensed  
stables.

**40.** There shall be payable to the licensee of such premises, by the person in charge of any hackney carriage or animal making use thereof, such fees as may from time to time be approved of by the Sanitary Board, and kept posted in a conspicuous place on the premises.

Fees.

**41.** It shall be lawful for a Sanitary Board to order that all hackney carriages kept within the limits of any town or village, and the horses used therewith, and all bullocks kept within such limits, shall be kept and stabled only at such places within such limits as may be specified in such order, and any licensee under this Enactment, or person in charge of any vehicle or animal, who shall wilfully contravene the provisions of such order, shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty-five dollars.

Compulsory use  
of licensed  
stables.

**42.** The Resident of any State may from time to time for such State make rules

Rules.

- (a) for the classification of vehicles ;
- (b) determining the amount of any tax or fee payable for any license under this Enactment ;
- (c) for the payment of any such taxes or fees ;
- (d) for the better carrying out of the provisions of this Enactment ;

and in any such rules may provide for the payment of any fine not exceeding twenty-five dollars for the breach of any such rule or rules.

## SCHEDULE.

## ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak .. ..	1 of 1900	The Vehicles Enactment, 1900
Selangor.. ..	21 of 1899	.. .. 1899
Negri Sembilan..	17 of 1899	.. .. 1899
Pahang .. ..	5 of 1900	.. .. 1900

## ENACTMENT NO. 14 OF 1912.

An Enactment for the incorporation of the Bishop of Singapore.

ARTHUR YOUNG,

*President of the Federal Council.*

[7th December, 1912.

20th December, 1912.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. This Enactment may be cited as “The Bishop of Singapore Incorporation Enactment, 1912,” and shall come into force on the publication thereof in the *Gazette*. Short title and commencement.

2. The Bishop of Singapore incorporated in the Colony by Ordinance No. XIV of 1911 shall be a body corporate and shall by the name of “The Bishop of Singapore” have perpetual succession and shall and may have and use a corporate seal and the said seal may from time to time break, change, alter and make anew, as to the said Corporation may seem fit, and the said Corporation is hereby empowered to acquire, purchase, take, hold, and enjoy movable and immovable property of every description, and to sell, convey, assign, surrender and yield up, mortgage, demise, reassign, transfer, or otherwise dispose of any movable or immovable property vested in the said Corporation upon such terms as to the said Corporation may seem fit and may sue and be sued in respect of such property in all Courts of Justice. The Bishop of Singapore to be a body corporate.

3. All immovable property within the Federated Malay States heretofore granted, leased, transferred, transmitted to or otherwise vested in “The Bishop of Singapore” or “The Bishop of Singapore, Labuan, and Sarawak,” whether with or without the name of the Ecclesiastic for the time being holding the office, is hereby vested in the said Corporation for the respective estates and interests for which the same is holden. Vesting of property.

4. All deeds, documents, and other instruments requiring the seal of the said Corporation shall be sealed with the seal of the said Corporation in the presence of the Bishop of Singapore for the time being or his attorney duly authorized by a power of attorney valid within the Federated Malay States and shall also be signed by the said Bishop for the time being or his attorney so authorized as aforesaid, and such signing shall be and be taken as sufficient evidence that the said seal was duly and properly affixed and that the same is the lawful seal of the said Corporation. Use of the corporate seal.

## ENACTMENT NO. 17 OF 1912.

An Enactment to make general provision for the conduct of Arbitrations.

ARTHUR YOUNG.

*President of the Federal Council.*

[11th December, 1912.

20th December, 1912.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title,  
commencement,  
and repeal.

1. (i) This Enactment may be cited as “The Arbitration Enactment, 1912.” and shall come into force on the publication thereof in the *Gazette*.

(ii) The Enactments mentioned in the second schedule are hereby repealed to the extent specified in the fourth column thereof.

Interpretation.

2. In this Enactment, unless there be something repugnant in the subject or context—

“Court” means the Court of a Judicial Commissioner ;

“Submission” means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not ;

“Rules of Court” means rules made under Section 67 of the Courts Enactments, 1905.

### REFERENCES BY CONSENT OUT OF COURT.

Submission  
irrevocable and  
to have effect as  
an order of  
Court.

3. A submission, unless a contrary intention is expressed therein, shall be irrevocable except by leave of the Court and shall have the same effect in all respects as if it had been made an order of Court.

Provisions  
implied in sub-  
missions.

4. A submission, unless a contrary intention is expressed therein, shall be deemed to include the provisions set forth in the first schedule so far as they are applicable to the reference under the submission.

Power to stay  
proceedings  
where there is a  
submission.

5. If any party to a submission or any person claiming through or under him commences any legal proceedings against any other party to the submission or any person claiming through or under him in respect of any matter agreed to be referred, any party to such legal proceedings may before taking any other steps in the proceedings apply to the Court to stay the proceedings and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that

the applicant was at the time when the proceedings were commenced and still remains ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

**6.** In any of the following cases—

Power for the Court in certain cases to appoint an arbitrator, umpire or third arbitrator.

- (a) Where a submission provides that the reference shall be to a single arbitrator and all the parties do not after differences have arisen concur in the appointment of an arbitrator ;
- (b) If an appointed arbitrator refuses to act or is incapable of acting or dies and the submission does not shew that it was intended that the vacancy should not be supplied and the parties do not supply the vacancy ;
- (c) Where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him ;
- (d) Where an appointed umpire or third arbitrator refuses to act or is incapable of acting or dies and the submission does not shew that it was intended that the vacancy should not be supplied and the parties or arbitrators do not supply the vacancy ;

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to appoint an arbitrator, umpire, or third arbitrator.

If the appointment is not made within seven clear days after the service of the notice, the Court may on application by the party who gave the notice appoint an arbitrator, umpire, or third arbitrator, who shall have like powers to act in the reference and make an award as if he had been appointed by consent of all parties.

**7.** Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless the submission expresses a contrary intention—

Power for parties in certain cases to supply vacancy.

- (a) If either of the appointed arbitrators refuses to act or is incapable of acting or dies, the party who appointed him may appoint a new arbitrator in his place ;
- (b) If on such a reference one party fails to appoint an arbitrator either originally or by way of substitution as aforesaid for seven clear days after the other party having appointed his arbitrator has served the party making default with notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference and his award shall be binding on both parties as if he had been appointed by consent ;

Provided that the Court may set aside any appointment made in pursuance of this section.

Powers of  
arbitrator.

**8.** The arbitrators or umpire acting under a submission shall, unless the submission expresses a contrary intention, have power

- (a) to administer oaths to or take the affirmations of the parties and witnesses appearing; and
- (b) to state an award as to the whole or part thereof in the form of a special case for the opinion of the Court; and
- (c) to correct in an award any clerical mistake or error arising from any accidental slip or omission.

Witnesses may  
be summoned.

**9.** Any party to a submission may take out a summons to give evidence or to produce documents, but no person shall be compelled under any such summons to produce any document which he could not be compelled to produce on the hearing of a suit.

Power to  
enlarge time for  
making award.

**10.** The time for making an award may from time to time be enlarged by order of the Court, whether the time for making the award has expired or not.

Power to remit  
award.

**11.** (i) In all cases of reference to arbitration the Court may from time to time remit the matters referred or any of them to the re-consideration of the arbitrators or umpire.

(ii) Where an award is remitted the arbitrators or umpire shall, unless the order otherwise directs, make their award within three months after the date of the order.

Power to  
remove arbit-  
rator or to set  
aside award.

**12.** (i) Where an arbitrator or umpire has misconducted himself, the Court may remove him.

(ii) Where an arbitrator or umpire has misconducted himself or an arbitration or award has been improperly procured, the Court may set the award aside.

Enforcing  
award.

**13.** An award on a submission may by leave of the Court be enforced in the same manner as a decree or order to the same effect.

#### REFERENCES UNDER ORDER OF COURT.

Reference for  
report.

**14.** (i) Subject to rules of Court the Court may refer any question arising in any cause or matter (other than a criminal proceeding by the Public Prosecutor) for enquiry or report to any special referee.

(ii) The report of a special referee may be adopted wholly or partially by the Court and if so adopted may be enforced as a decree or order to the same effect.

Power to refer  
in certain cases.

**15.** In any cause or matter (other than a criminal proceeding by the Public Prosecutor)—

- (a) If all the parties interested who are not under disability consent; or
- (b) If the cause or matter require any prolonged examination of documents or any scientific or local investigation which cannot, in the opinion of the Court, conveniently be conducted by the Court through its other ordinary officers; or



(c) If the question in dispute consists wholly or in part of matters of account ;

the Court may at any time order the whole cause or matter or any question or issue of fact arising therein to be tried before a special referee or arbitrator respectively agreed on by the parties or before an officer of the Court.

16. (i) In all cases or reference to a special referee or arbitrator under an order of the Court in any cause or matter the special referee or arbitrator shall be deemed to be an officer of the Court and shall have such authority and shall conduct the reference in such manner as may be prescribed by rules of Court and subject thereto as the Court may direct.

Powers and remuneration of referees and arbitrators.

(ii) The report or award of any special referee or arbitrator on any such reference shall, unless set aside by the Court, be equivalent to a decree of the Court.

(iii) The remuneration to be paid to any special referee or arbitrator to whom any matter is referred under order of the Court shall be determined by the Court.

17. The Court shall, as to references under order of the Court, have all the powers which are by this Enactment conferred on the Court as to references by consent out of Court.

Court to have powers as in references by consent.

18. The Court of Appeal shall have all the powers conferred by this Enactment on the Court under the provisions relating to references under order of the Court.

Court of Appeal to have powers of the Court.

### GENERAL.

19. (i) The Court may order that a summons to give evidence or to produce documents shall issue to compel the attendance before a special referee or before any arbitrator or umpire of a witness, wherever he may be within the Federated Malay States.

Power to compel attendance of witness in any part of the F.M.S.

(ii) The Court may also issue an order under Section 23 of the Prisons Enactments, 1907, to bring up a prisoner for examination before a special referee or before any arbitrator or umpire.

20. Any referee, arbitrator, or umpire may at any stage of the proceedings under a reference, and shall if so directed by the Court, state in the form of a special case for the opinion of the Court any question of law arising in the course of the reference.

Statement of case pending arbitration.

21. Any order made under this Enactment may be made on such terms as to costs, or otherwise as the authority making the order thinks just.

Costs.

22. Provisions may from time to time be made by rules of Court for conferring on any Registrar or other officer of the Court all or any of the jurisdiction conferred by this Enactment on the Court.

Exercise of powers by Registrar and other officers.

23. This Enactment shall apply to every arbitration under any Enactment passed before or after the commencement of this Enactment as if the arbitration were pursuant to a submission, except in so far as this Enactment is inconsistent with the

Application of Enactment to references under statutory power.

Enactment, if any, regulating the arbitration or with any rules or procedure authorized or recognized by that Enactment.

Saving for  
pending arbi-  
trations.

24. This Enactment shall not affect any arbitration pending at the commencement of this Enactment but shall apply to any arbitration commenced after the commencement of this Enactment under any agreement or order made before the commencement of this Enactment.

#### THE FIRST SCHEDULE.

##### PROVISIONS TO BE IMPLIED IN SUBMISSIONS.

(a) If no other mode of reference is provided, the reference shall be to a single arbitrator.

(b) If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

(c) The arbitrators shall make their award in writing within three months after entering on the reference or after having been called on to act by notice in writing from any party to the submission or on or before any later day to which the arbitrators by any writing signed by them may from time to time enlarge the time for making the award.

(d) If the arbitrators have allowed their time or extended time to expire without making an award or have delivered to any party to the submission or to the umpire a notice in writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

(e) The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired or on or before any later day to which the umpire by any writing signed by him may from time to time enlarge the time for making his award.

(f) The parties to the reference and all persons claiming through them respectively shall, subject to any legal objection, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute and shall, subject as aforesaid, produce before the arbitrators or umpire all books, deeds, papers, accounts, writings, and documents within their possession or power respectively which may be required or called for and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

(g) The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath or affirmation.

(h) The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

(i) The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom and in what manner those costs or any part thereof shall be paid and

may tax or settle the amount of costs to be so paid or any part thereof and may award costs to be paid as between solicitor and client.

THE SECOND SCHEDULE.  
EXACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak ..	11 of 1902	The Civil Procedure Code, 1902	Chapter XXXVI
Selangor ..	13 of 1902	Do.	Do.
N. Sembilan	7 of 1902	Do.	Do.
Pahang ..	11 of 1902	Do.	Do.
Perak ..	10 of 1903	The Specific Relief Enactment, 1903	The last 37 words of Section 21 <i>preceding the illustrations</i>
Selangor ..	9 of 1903	Do.	Do.
N. Sembilan	16 of 1903	Do.	Do.
Pahang ..	10 of 1903	Do.	Do.

## ENACTMENT NO. 19 OF 1912.

As amended by Fed. E. 29 of 1915 and 8 of 1919.

E. 29 of 1915.

An Enactment to *provide* for the Suppression of Common Gaming Houses, *Public Gaming*, and Public Lotteries.

ARTHUR YOUNG,  
*President of the Federal Council.*

[5th December, 1912.  
1st January, 1913.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title,  
commencement,  
and repeal.

1. (i) This Enactment may be cited as “The Common Gaming Houses Enactment, 1912,” and shall come into force on the 1st day of January, 1913.

(ii) On the coming into force of this Enactment the Enactments mentioned in the schedule shall be repealed.

Interpretation.

2. (i) In this Enactment unless the context otherwise requires—

“Common gaming house” includes any place kept or used for gaming to which the public or any class of the public has or may have access and any place kept for habitual gaming, whether the public or any class of the public has or may have access thereto or not, and any place kept or used for the purpose of a public lottery ;

“Gaming,” with its grammatical variations and cognate expressions, means the playing of any game of chance or of mixed chance and skill for money or money’s worth ;

“Lottery” includes any game, method, or device whereby money or money’s worth is distributed or allotted in any manner depending upon or to be determined by chance or lot, whether the same be held, drawn, exercised, or managed within or without the Federated Malay States ;

“Public lottery” means a lottery to which the public or any class of the public has or may have access, and every lottery shall until the contrary be proved be deemed to be a public lottery ;

“Lottery ticket” includes any paper or figure or writing or symbol or other article whatsoever which either expressly or tacitly entitles or purports to entitle the holder or any other person to receive any money or money’s worth on the happening of any event or contingency connected with any public lottery ;

“Place” means any house, office, room, or building and any place or spot, whether open or enclosed, and includes a ship, boat, or other vessel, whether afloat or not, and any vehicle ;

A place in which lottery tickets are offered for sale, sold, or distributed shall be deemed to be "used for the purpose of a public lottery";

A place shall be deemed to be "used" for a purpose if it is used for that purpose even on one occasion only;

Every person who demises or lets to hire a place shall be deemed the "owner" thereof;

The expression "instruments or appliances for gaming" includes all articles declared under sub-section (ii) to be instruments or appliances for gaming and all articles which are used in or for the purpose of gaming or a lottery;

"Senior Police Officer" means any police officer not below the rank of Assistant Commissioner and includes in any State any police officer specially authorized by the Resident of such State by notification in the *Gazette* to exercise the powers of a Senior Police Officer under this Enactment.

(ii) The Chief Secretary to Government may from time to time by notification in the *Gazette* declare articles specified or described in such notification to be instruments or appliances for gaming.

3. Every common gaming house is hereby declared to be a Nuisance. common and public nuisance contrary to law.

4. (i) Whoever—

(a) being the owner or occupier or having the use temporarily or otherwise thereof keeps or uses a place as a common gaming house; or

(b) permits a place of which he is owner or occupier or of which he has the use temporarily or otherwise to be kept or used by another person as a common gaming house; or

(c) has the care or management of or in any manner assists in the management of a place kept or used as a common gaming house or assists in carrying on a public lottery; or

(d) receives directly or indirectly any money or money's worth for or in respect of any chance in any event or contingency connected with a public lottery or sells or offers for sale or gives or delivers any lottery ticket; or

(e) draws, throws, declares, or exhibits expressly or otherwise the winner or winning number, ticket, lot, figure, design, symbol, or other result of any public lottery; or

(f) writes, prints, or publishes or causes to be written, printed, or published any lottery ticket or list of prizes or any announcement of the result of a public lottery or any announcement relating to a public lottery; or

(g) announces or publishes or causes to be announced or published either orally or by means of any print, writing, design, sign, or otherwise that any place is opened, kept, or used as a common gaming house or in any other manner invites or solicits any person to commit a breach of Section 6 or Section 7;

Offences relating to common gaming houses.

shall be punishable with a fine not exceeding three thousand dollars or with imprisonment of either description for a period not exceeding twelve months.

Presumption.

(ii) Any person who occupies or has the use temporarily of a place which is kept or used by another person as a common gaming house shall be presumed until the contrary be proved to have permitted such place to be so kept or used.

Financing  
common gam-  
ing houses or  
public lotteries.

5. Whoever advances or furnishes money for the purpose of establishing or conducting the business of a common gaming house or for the purpose of a public lottery shall be punishable with a fine not exceeding three thousand dollars or with imprisonment of either description for a period not exceeding twelve months.

Gaming in  
common gam-  
ing house.

6. (i) Whoever games in a common gaming house shall be punishable with a fine not exceeding twenty-five dollars.

Presumption.

(ii) A person found in a common gaming house or found escaping from a common gaming house on the occasion of its being entered under this Enactment shall be presumed until the contrary be proved to be or to have been gaming therein.

Gaming in  
public.  
E. 29 of 1915.

6A. (i) *A police officer may arrest without warrant any person found gaming in any public place and may seize all instruments or appliances for gaming found in such public place or on the persons of those arrested under this section.*

(ii) *Any person convicted of gaming in any public place shall be punishable with a fine not exceeding twenty-five dollars; and all instruments or appliances for gaming seized under this section may be declared by the Court before which the conviction is had to be forfeited to the Government and shall be dealt with accordingly.*

Presumption.

(iii) *Where any money or other valuable thing is used in the playing of any game of chance or of mixed chance and skill in any public place, the players shall be presumed, until the contrary be proved, to be or to have been gaming.*

Interpretation.

(iv) *In this section the expression "public place" includes State land as defined in "The Land Enactment, 1911," and land reserved under the provisions of any Enactment for a public purpose and reserved forests as defined in "The Forest Enactment, 1914," and public streets, roadways, lanes, and open spaces.*

Instigating,  
promoting, or  
facilitating  
gaming in  
public.  
E. 8 of 1919.

6B. (i) *Whoever instigates, promotes, or intentionally facilitates the commission of an offence punishable under Section 6A shall be punishable with a fine not exceeding three thousand dollars or with imprisonment of either description for a period not exceeding twelve months.*

(ii) *Any person who*

(a) *erects, maintains, or controls, or assists to erect, maintain, or control, any hut, shed, tent, or other building or shelter whatsoever wherein an offence punishable under Section 6A is committed, or*

(b) *brings to, or has in his possession at or near, a place where such an offence as aforesaid is committed any instruments or appliances for gaming, or*

(c) *keeps watch in order to warn, or warns, persons committing such an offence as aforesaid of risk of detection, shall be presumed, until the contrary be proved, to have promoted the commission of an offence punishable under Section 6A.*

(iii) *A person shall not by reason only of the fact that he has committed an offence punishable under Section 6A be liable to be convicted of an offence under this section.*

7. (i) Whoever either personally or by an agent pays or deposits any money or money's worth to or with any person concerned in the business of a common gaming house as a stake or for or in respect of any event or contingency connected with a public lottery or buys a lottery ticket shall be punishable with a fine not exceeding twenty-five dollars.

Buying lottery ticket.

(ii) A person in whose possession a lottery ticket is found shall be presumed until the contrary be proved to have bought the same.

Presumption.

(iii) Every lottery ticket brought or introduced into or being within the Federated Malay States shall be forfeited to the Government and it shall be the duty of every police officer or other public servant to seize every such ticket wherever found.

8. Any money or money's worth paid or deposited for or in respect of any such event or contingency as aforesaid or for or in respect of the purchase of a lottery ticket shall be recoverable as money had and received to or for the use of the person from whom the same was received.

Money paid recoverable.

9. Every sale or contract for sale of a lottery ticket is hereby declared to be void and no action shall be maintainable by any person in respect of any such sale or contract except by the purchaser for the return of the money or other consideration (if any) paid thereon.

Sales of lottery tickets void.

10. (i) Whenever it is proved to the satisfaction of a Magistrate that any person employed to labour at mining or agriculture or at any other labour which may from time to time be declared by the Chief Secretary to Government, by notification in the *Gazette*, to be subject to the provisions of this section has committed an offence under this Enactment in any place owned or occupied by his employer, the employer of such person shall be punishable with a fine not exceeding five hundred dollars or with imprisonment of either description for a period not exceeding three months unless he prove to the satisfaction of the Magistrate that such offence was committed without his knowledge or consent and that he had taken reasonable measures to prevent the commission of the same : provided that when one person contracts with another to carry out any work, labourers engaged in the actual execution of such work shall for the purposes of this section be deemed to be employed by both such persons.

Responsibility of employers and overseers.

(ii) Whenever it is proved to the satisfaction of a Magistrate that any person employed as aforesaid has committed an offence under this Enactment in the presence of any overseer, headman, or other person having authority over him for the purposes of the said

employment, such overseer, headman, or other person shall be punishable with a fine not exceeding five hundred dollars or with imprisonment of either description for a period not exceeding three months unless he prove to the satisfaction of the Magistrate that such offence was committed without his consent and that he took reasonable measures to prevent the commission of the same and to ensure the effective suppression thereof.

(iii) Nothing contained in this section shall be deemed to exempt any person from liability to any penalty provided by this Enactment for any offence thereunder proved to have been committed by him.

(iv) No prosecution of any employer, overseer, headman, or other person under this section shall be instituted except by the authority of the Public Prosecutor or a Deputy Public Prosecutor.

Arrest by  
employer.

11. (i) When any person employed to labour at mining or agriculture or at any other labour declared under Section 10 to be subject to the provisions of the said section is found committing an offence under this Enactment in any place owned or occupied by his employer he, and all other persons found abetting such offence, may be arrested without warrant by his employer or in the absence of the employer by any person authorized in writing by the employer to have the management of such place.

(ii) Every person arrested under this section shall without unnecessary delay be handed over to a police officer or taken to the nearest police station for detention until he can be brought before a Magistrate.

Power to enter  
on premises.

12. Any police officer generally or specially authorized in that behalf in writing by the Chief Police Officer may by night or by day enter upon any place where persons employed to labour at mining or agriculture or at any other labour declared under Section 10 to be subject to the provisions of the said section reside or are employed.

Search warrant  
against  
premises.

13. (i) A Magistrate or Senior Police Officer on being satisfied upon written information on oath and after any enquiry which he may think necessary that there is good reason to believe that any place is kept or used as a common gaming house may by warrant authorize any person therein named or any police officer with such assistance and by such force as may be necessary by night or by day to enter or go to such place and to search the same and all persons found therein and to seize all instruments or appliances for gaming and all money, securities for money, and other articles reasonably supposed to have been used or intended to be used for any game or lottery which may be found in such place or on any such persons and also to detain all such persons until they and the said place shall have been searched. If any of the things or circumstances which are made by this Enactment presumptive evidence of guilt are found in such place or on any person therein, every person found therein shall be taken before a Magistrate to be dealt with according to law.

(ii) All instruments or appliances for gaming, money, securities for money, and other articles found in a common gaming house or on any persons found therein or escaping therefrom and which the Magistrate is of opinion were used or intended to be used for any



game or lottery shall be declared by him to be forfeited to the Government and shall be dealt with accordingly.

14. A Magistrate or Senior Police Officer on being satisfied upon information on oath and after any enquiry which he may think necessary that there is good reason to believe that any instruments or appliances for gaming are likely to be found on any person may by warrant under his hand order any person therein named or any police officer to arrest such person and to take him forthwith before any Magistrate or Senior Police Officer who shall thereupon cause such person to be searched in his presence and if any such instrument or appliance be found upon his person he shall be taken before a Magistrate to be dealt with according to law.

Search warrant  
against persons.

15. (i) A Magistrate or Senior Police Officer may himself do what he may under Sections 13 and 14 authorize a police officer to do whenever such Magistrate or Senior Police Officer is competent to issue a warrant under the said sections respectively and also in any of the following cases, that is to say—

Entry and  
search by  
Magistrate or  
Senior Police  
Officer.

- (a) if any person has within the preceding six months been convicted of having kept or used as a common gaming house the place proposed to be entered : or
- (b) if the place proposed to be entered is occupied by a club or society and he has reason to believe that habitual gaming is carried on there ; or
- (c) if he has personal knowledge of such facts and circumstances as satisfy him that there are sufficient grounds for a search under the said sections respectively ; or
- (d) if he receives the required information orally and either on oath or not on oath under such circumstances that the object of a search would, in his opinion, be defeated by the delay necessary for reducing the information to writing : provided that in this last case the name and address of the person giving such information are known to or ascertained by such Magistrate or Senior Police Officer before he acts upon such information.

(ii) Whoever in giving such oral information makes a statement which he knows or believes to be false or does not believe to be true shall be punishable with imprisonment of either description for a period not exceeding twelve months.

False information.

16. If any instruments or appliances for gaming are found in any place entered under this Enactment or upon any person found therein or if persons are seen or heard to escape therefrom on the approach or entry of a Magistrate or Senior Police Officer or if a police officer or any person having authority under this Enactment to enter or go to such place is unlawfully prevented from or obstructed or delayed in entering or approaching the same or any part thereof, it shall be presumed until the contrary be proved that the place is a common gaming house and that the same is so kept or used by the occupier thereof.

Presumption  
against house  
and occupier.

Presumption  
against house,  
occupier, and  
owner.

17. (i) If in the case of a place entered under this Enactment any passage or staircase or means of access to any part thereof is unusually narrow or steep or otherwise difficult to pass or any part of the premises is provided with unusual or unusually numerous means for preventing or obstructing an entry or with unusual contrivances for enabling persons therein to see or ascertain the approach or entry of persons or for giving the alarm or for facilitating escape from the premises, it shall be presumed until the contrary be proved that the place is a common gaming house and that the same is so kept or used by the occupier thereof; and if notice as is next hereinafter provided shall have been served on the owner of the premises it shall further be presumed until the contrary be proved that the place is so kept with the permission of the owner thereof.

Notice to  
occupier and  
owner.

(ii) Whenever it comes to the knowledge of the Chief Police Officer that any place is fitted or provided with any of the means or contrivances mentioned in this section in such a way as to lead to a presumption that the place is used or intended to be used for the purposes of a common gaming house, it shall be the duty of the Chief Police Officer to cause notice thereof to be served on the owner of such place as well as on the occupier thereof; and if any such notice cannot be personally served it may be served by being affixed to the principal outer door or any outer door or window or any conspicuous part of the place.

(iii) Every tenant receiving a notice under this section shall forthwith inform the owner or the person from whom he rents the premises of the fact of receipt of such notice, who shall in like manner inform the owner or the person from whom he rents the premises, and so on till the notice is brought to the knowledge of the owner, each tenant being responsible for bringing the notice to the knowledge of his immediate lessor; and any tenant refusing or omitting to make known to the owner or the person from whom he rents the premises the fact that such notice has been received shall be punishable under Section 225B of the Penal Code.

Order for  
demolition of  
structural  
contrivances  
for facilitating  
gaming.

18. Whenever it appears to a Magistrate upon the trial of any offence under this Enactment that the place in or in respect of which the offence is alleged to have been committed is a common gaming house and that the same is fitted or provided with any of the means or contrivances mentioned in the last preceding section, he shall order the demolition and destruction of such of them as consist of staircases, doors, partitions, ladders, planks, platforms, posts, palings, bars, bolts, and other things which appear to him to have been specially erected or constructed for the purpose of facilitating the carrying on of gaming on the premises.

Protection of  
informers.

19. Except as hereinafter mentioned no information laid under this Enactment shall be admitted in evidence in any civil or criminal proceeding whatsoever and no witness shall be obliged or permitted to disclose the name or address of any informer under this Enactment or to state any matter which might lead to his discovery. Moreover, if any books, documents, or papers which are in evidence or liable to inspection in any civil or criminal proceeding whatsoever contain any entry in which any informer is named or described or

which might lead to his discovery, the Court or Magistrate shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery but no further. But if on the trial of any offence under this Enactment the Magistrate after full enquiry into the case believes that the informer wilfully made in his information a material statement which he knew or believed to be false or did not believe to be true or if in any other proceeding the Court or Magistrate is of opinion that justice cannot be fully done between the parties thereto without the discovery of the informer, it shall be lawful for the Court or Magistrate to require the production of the original information and to permit enquiry and require full disclosure concerning the informer.

20. (i) Whenever two or more persons shall be charged with any offence against this Enactment, the Magistrate may require one or more of them to give evidence as a witness or witnesses for the prosecution. Any such person who refuses to be sworn or to answer any lawful question shall be dealt with in the same manner as witnesses so refusing may by law be dealt with by a Magistrate.

Offenders as witnesses for prosecution.

(ii) Every person so required to give evidence who shall, in the opinion of the Magistrate, make true and full discovery of all things as to which he is lawfully examined shall be entitled to receive a certificate under the hand of the Magistrate stating that he has, in the opinion of the Magistrate, made a true and full discovery of all things as to which he was examined, and such certificate shall be a bar to all legal proceedings against him in respect of all such things as aforesaid.

21. The fact that a person in any of the Federated Malay States is a professional gambler or is engaged in the promotion of public gaming shall be deemed to be a reasonable ground for believing that the banishment of such persons from such State is necessary for the welfare thereof within the meaning of Section 3 of "The Banishment Enactment, 1910."

Application of "The Banishment Enactment, 1910," to professional gamblers.

22. (i) All offences against this Enactment shall be tried summarily by a Magistrate.

Trial.

(ii) Any punishment authorized by this Enactment may be imposed by the Court of a Magistrate of the First Class, notwithstanding that the same be in excess of the punishment which such Court is ordinarily empowered to impose.

23. If a person who has been convicted of an offence under Section 4 is again convicted of the same or any other offence under that section, the Magistrate may, in addition to the punishment provided by that section, make an order requiring him to give security for a period not exceeding one year by one or more sureties that he will not offend against this Enactment and every such order shall be made as nearly as may be in the same manner and shall have the like effect and consequences as if the same were an order to give security for good behaviour under Section 74 of the Criminal Procedure Code.

Binding over on second conviction.

Reward to  
informers.

24. The Magistrate may direct any fine or any portion of any fine imposed under this Enactment to be paid to the informer.

Temporary  
provision :  
delivery up of  
gaming  
appliances.

25. Every person who shall immediately prior to the commencement of this Enactment have been a licensee within the meaning of "The Revenue Farms Enactment, 1911," hereby repealed shall on the demand of any police officer deliver up to such police officer on the 1st day of January, 1913, all instruments or appliances for gaming which may be in his possession or under his control in order that the same may be destroyed or otherwise disposed of as the Chief Police Officer may direct.

#### SCHEDULE.

#### ENACTMENTS REPEALED.

##### I.—STATE ENACTMENTS.

State.	No. and year.	Short title.
Perak	4 of 1891	Lotteries Order in Council
Selangor	19 of 1893	Prohibition of Lotteries Regulation, 1893
N. Sembilan	16 of 1901	The Prohibition of Lotteries Enactment, 1901
Pahang	9 of 1901	Do.
Perak	2 of 1907	The Suppression of Gaming Enactment, 1907
Selangor	13 of 1906	The Suppression of Gaming Enactment, 1906
N. Sembilan	12 of 1906	Do.
Pahang	1 of 1907	The Suppression of Gaming Enactment, 1907

##### II.—FEDERAL ENACTMENT.

No. and year.	Short title.
7 of 1911	The Revenue Farms Enactment, 1911

## ENACTMENT NO. 20 OF 1912.

As amended by Fed. E. 15 of 1914, 14 of 1916, 9 of 1918, and 16 of 1920.

An Enactment to make better provision for regulating the use on public thoroughfares of Traction Engines and Carriages attached thereto and Motor Cars.

ARTHUR YOUNG, [11th December, 1912.  
*President of the Federal Council.* 20th December, 1912.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as “The Traction Engines and Motor Cars Enactment, 1912.” and shall come into force on the publication thereof in the *Gazette*. Short title,  
commencement,  
and repeal.

(ii) On the coming into force of this Enactment the Enactments specified in the schedule shall be repealed; provided that all appointments of officers made, all licenses and certificates of competency issued, and all plates affixed under any Enactment hereby repealed shall, subject to the terms thereof and so far as may be consistent with the provisions of this Enactment, be deemed to have been made, issued, and affixed under this Enactment.

2. (i) In this Enactment—

Interpretation.

“Motor car” includes every description of vehicle propelled by means of mechanism contained within itself, other than a traction engine;

“Carriage” includes wagons, wains, carts, trucks, vans, cars, lorries, and every other description of carriage intended to be drawn by a traction engine and also any portable engine when being so drawn;

“Public thoroughfare” includes all public streets, roads, highways, bridges, and thoroughfares, and all places over which the public have a right of way for wheeled vehicles and all roadways to which the public is granted access;

“Traction engine” includes every description of vehicle propelled by means of mechanism contained within itself and constructed for the purpose of drawing a carriage or for the carriage of goods and merchandise and includes rollers, road sprinklers, and every other vehicle propelled as aforesaid not constructed for the conveyance of passengers, but does not include a fire engine or any vehicle used in connection with a fire engine;

“Tare” means the actual weight of a traction engine, carriage, or motor car when not loaded;

When the "weight" of a traction engine, carriage, or motor car is referred to, the expression includes in the case of a traction engine the gross weight inclusive of the tare, the driver and necessary attendants, and full supplies of fuel and water or whatever sources of energy are employed in its propulsion; in the case of a carriage attached to a traction engine it includes the gross weight when loaded inclusive of the tare and of the freight; and in the case of a motor car it includes the gross weight inclusive of the tare and of its full complement of driver, attendants, passengers, and freight and full supplies of fuel and water or whatever sources of energy are employed in its propulsion.

(ii) No traction engine, carriage, or motor car shall be subject to the provisions of "The Vehicles Enactment, 1912."

(iii) Nothing in this Enactment contained refers to vehicles constructed for use on fixed rails or specially prepared ways.

Licensing  
officers.

3. (i) In each of the Federated Malay States the Resident shall appoint a licensing officer or licensing officers to issue licenses within such State under this Enactment.

(ii) Any such licensing officer may refuse to issue a license for the use of any traction engine or motor car so constructed as, in his opinion, to be likely to be dangerous to persons or animals lawfully using the public thoroughfares or injurious to the roadways or bridges; provided that the Resident of the State wherein a licensing officer may have refused a license to any person may upon the application of such person direct such licensing officer to issue the same, if the Resident is of opinion that the use of such traction engine or motor car would not be dangerous to persons or animals or injurious to the roadways or bridges, and thereupon such licensing officer shall issue such license.

E. 15 of 1911.

(iii) *Any license issued under this Enactment may be suspended by a licensing officer if the condition of the traction engine or motor car where to the license relates is, in his opinion, such that its use on public thoroughfares is likely to be dangerous to passengers or other persons in or upon such traction engine or motor car or to persons lawfully using the public thoroughfares; and any license issued under this enactment for the use of a traction engine or motor car for hire purposes may be suspended by a licensing officer for a period not exceeding three months upon breach by the owner or driver of such traction engine or motor car of any rule made under Section 20 and relating to matters specified in clause (xii) thereof, and in any such case the licensing officer shall endorse on the license the period of the suspension and a reference to the rule whereof a breach was committed provided that any person aggrieved by any suspension of a license under this sub-section may appeal to the Resident of the State wherein the order of suspension was made, and the decision of the Resident shall be final.*

E. 9 of 1918.

Traction  
engines and  
motor cars to  
be licensed.

4. (i) No traction engine or motor car shall be used on a public thoroughfare unless the same be licensed under this Enactment, and no traction engine or motor car shall be used for hire or trade purposes on a public thoroughfare except under a license

expressly authorizing such use and except in conformity with all the terms of such license, whether relating to the maximum load or the maximum number of persons to be carried or otherwise. To every traction engine and motor car licensed under this Enactment the licensing officer shall assign a separate number.

(ii) A mark indicating the license number of the traction engine or motor car shall be fixed on the traction engine or motor car in such manner as may be provided by rule under Section 20.

(iii) If a traction engine or motor car is used on a public thoroughfare without being licensed or if the mark to be fixed in accordance with this Enactment is not so fixed or if being so fixed it is in any way obscured or rendered or allowed to become not easily distinguishable, *the owner of such traction engine or motor car and the person driving the same shall each be guilty of an offence under this Enactment; provided that no person shall be found guilty of an offence under this Enactment by reason only of the obscuring of a mark or the rendering or allowing it to become not easily distinguishable if he prove that he has taken all steps reasonably practicable to prevent the mark being obscured or rendered not easily distinguishable.* E. 15 of 1914.

Provided that

(a) a person shall not be liable to a penalty under this section if he proves that the traction engine or motor car is being driven for the purpose of being licensed: and

(b) a licensing officer appointed for any place in which the business premises of any dealer in motor cars are located may, with the approval of the Resident of the State wherein such place is situated and on payment of such annual fee as may be prescribed, assign to such dealer a general identification mark which may be used for any motor car on trial after the arrival thereof in the Federated Malay States or on trial by an intending purchaser, and a person shall not be liable to a penalty under this section while so using the motor car if the mark so assigned is fixed upon the car in the manner prescribed by rule under Section 20.

*The assignment of a general identification mark may be revoked at any time by the licensing officer with the approval of the Resident; such revocation shall be notified in writing to the dealer to whom such mark was assigned and he shall be entitled to a refund of so much of the annual fee paid as is proportionate to the period remaining at the date of such revocation unexpired of the year in respect of which the fee was paid.* E. 15 of 1914.

5. (i) No person shall drive a traction engine or motor car unless he hold a certificate of competency under this Enactment *to drive such traction engine or motor car, as the case may be,* and no person shall employ as driver of a traction engine or motor car any person not holding such certificate as aforesaid. Driver's certificates. E. 15 of 1914.

If a person acts in contravention of this provision, he shall be guilty of an offence under this Enactment.

(ii) A licensing officer after taking means to satisfy himself that any person is acquainted with the rules of the road and understands the road signs prescribed under Section 20 and has sufficient knowledge of and experience in driving a traction engine or motor car to have full control over a traction engine or motor car in heavy street traffic may issue to such person a certificate of competency to drive a traction engine or motor car, hereinafter referred to as a driver's certificate.

(iii) A driver's certificate shall, subject to any suspension thereof under Section 6, remain in force until cancelled or surrendered.

E. 15 of 1911.

(iv) The holder of a driver's certificate shall when driving or in charge of a traction engine or motor car produce his certificate on demand of a *licensing officer or of any police officer not below the rank of sergeant*. Any person who shall contravene this provision shall be liable on conviction before a Magistrate to a fine not exceeding fifty dollars in respect of every such contravention.

E. 9 of 1918.

(ivA) *Every holder of and every applicant for a driver's certificate and every person entitled to the benefit of Section 18 shall, if so required in writing by a licensing officer, attend at such place and time as the licensing officer directs and submit to have his finger-impressions taken.*

(v) A driver's certificate shall not be issued to any person under the age of eighteen years.

E. 15 of 1914.

(vi) *Every application for a driver's certificate shall be in writing, signed by the applicant, and shall, in addition to any other information required by rules made under this Enactment, state whether the applicant has held a driver's certificate or license in any part of the world and whether such certificate or license has been endorsed, suspended, or cancelled. If any applicant for a driver's certificate give false information in respect of any such matter, he shall be guilty of an offence under this Enactment.*

(vii) Any person aggrieved by the refusal of a licensing officer to grant a driver's certificate may appeal from such refusal to the Resident of the State in which such certificate was refused, and the decision of the Resident shall be final.

Dealing with  
drivers'  
certificates.

6. (i) Any driver's certificate may be endorsed, suspended, or cancelled

(a) by a Court before which the holder thereof has been convicted of any offence under this Enactment or of any other offence committed by him in respect of his use of a traction engine or motor car ;

E. 9 of 1918.

(b) by a licensing officer upon breach by the holder of the certificate of the provisions of sub-section (ivA) of Section 5 or upon such facts coming to the knowledge of the licensing officer as he may deem sufficient to prove that the driving of a traction engine or motor car by the holder of the certificate is a source of danger to the public.

E. 9 of 1918.

(iA) *Any driver's certificate may be suspended by a licensing officer for a period not exceeding three months upon breach by the holder thereof of any rule made under Section 20 and relating to matters*



*specified in clause (xiii) thereof, and in any such case the licensing officer shall endorse on the certificate the period of the suspension and a reference to the rule whereof a breach was committed.*

(ii) Any Court endorsing, suspending, or cancelling a driver's certificate shall give notice thereof to the licensing officer at the place where such certificate was issued.

(iii) Where any Court or licensing officer decides to endorse, suspend, or cancel a driver's certificate, the holder shall deliver the license to the Court or licensing officer on demand.

(iv) Any person aggrieved by any action of a licensing officer under the provisions of this section may appeal to the Resident of the State wherein such action was taken, and the decision of the Resident shall be final.

**6A.** *If any person not duly authorized in that behalf alters, cancels, effaces, conceals, or renders illegible any endorsement made under this Enactment upon a driver's certificate, he shall be guilty of an offence under this Enactment.*

Tampering with endorsement.  
E. 14 of 1916.

**6B.** (i) *On complaint made to a licensing officer in any State by a person to whom a driver's certificate has been issued that such certificate is in the possession of any other person within such State, the licensing officer may by notice in writing to the person in whose possession such driver's certificate is, or is alleged to be, require him to forthwith deliver the same to the licensing officer and may on receipt thereof, unless good cause be shewn to the contrary, return the same to the person to whom the same was issued.*

Withholding driver's certificate from owner.  
E. 16 of 1920.

(ii) *Any person who, without reasonable excuse the burden of proof whereof shall be on him, fails to comply with a notice under this section shall be guilty of an offence under this Enactment.*

**7.** Notwithstanding anything in this Enactment contained, it shall be lawful for a person not holding a driver's certificate who is being taught to drive a traction engine or motor car to drive such traction engine or motor car upon unfrequented roads, if accompanied by a person holding a driver's certificate.

Persons learning to drive.

**8.** If any person forges or fraudulently lends or allows to be used by any other person or transfers or affixes to any traction engine or motor car for which it was not issued any mark for identifying a traction engine or motor car under this Enactment, he shall be guilty of an offence under this Enactment.

Forgery or transfer of mark.

**9.** Every person who shall transfer the ownership of any traction engine or motor car licensed under this Enactment shall immediately notify such transfer in writing to a licensing officer at the place where such traction engine or motor car was licensed, and such officer shall record the same.

Record of change of ownership.

**10.** A person driving a traction engine or motor car shall, if an accident occurs to any person, whether on foot, on horseback, or in a vehicle, or to any horse or vehicle in charge of any person, or to property of any kind owing to the presence of the traction engine or motor car on the road, stop and, if required, give his name and address and also the name and address of the owner and the license

Duty to stop in case of accident.  
E. 15 of 1914.

number and mark of the traction engine or motor car ; and if any person knowingly acts in contravention of this section, he shall be liable on conviction before a Magistrate to a fine not exceeding one hundred dollars in respect of the first offence, and in respect of the second offence to a fine not exceeding two hundred dollars, and in respect of any subsequent offence to a fine not exceeding two hundred dollars or in the discretion of the Court to imprisonment of either description for a term not exceeding one month.

Reckless,  
negligent, or  
dangerous  
driving.

11. (i) If any person drives a traction engine or motor car on a public thoroughfare recklessly or negligently or at a speed or in a manner which is dangerous to the public having regard to all the circumstances of the case including the nature, condition, and use of the thoroughfare and to the amount of traffic which actually is at the time or which may reasonably be expected to be on the thoroughfare, that person shall be guilty of an offence under this Enactment.

E. 15 of 1914.

(ii) If any person drives a traction engine hauling a carriage at a greater speed than six miles an hour, that person shall be guilty of an offence under this Enactment.

E. 15 of 1914.

(iii) *If any person drives on a public thoroughfare a motor car which is overcrowded with persons, or from which any article projects so as to be likely to obstruct, endanger, or interfere with the traffic on such thoroughfare, he shall be guilty of an offence under this Enactment.*

(iv) *If any person rides on a motor car otherwise than inside the same while it is being driven on a public thoroughfare, such person and the driver of the motor car shall each be guilty of an offence under this Enactment.*

Power to  
restrict the use  
of traction  
engines and  
motor cars.

E. 9 of 1918.

12. (i) In any case in which it may appear to the Resident of any State that the use of any particular description of traction engine or motor car or carriage is likely to cause excessive wear and tear of the public thoroughfares or to be dangerous or inconvenient to the public or that the use of any particular description of traction engine or motor car or carriage or of traction engines, motor cars or carriages generally is or is likely to be dangerous or inconvenient to the public in certain localities or on certain bridges in such State, it shall be lawful for such Resident from time to time with the approval of the Chief Secretary to Government by notification in the *Gazette* to make such orders restricting the particular or general use of traction engines, motor cars and carriages as may in the circumstances seem fit and from time to time with the like approval to vary or rescind any such order.

E. 9 of 1918.

(ii) *The Resident of any State may, with the approval of the Chief Secretary to Government, by notification in the Gazette make orders restricting to, or prohibiting from, use on such public thoroughfares in the State as may be specified in the notification all or any traction engines or motor cars licensed or otherwise authorized under this Enactment to be used for hire purposes and may from time to time, with the like approval, vary or rescind any such order.*

E. 9 of 1918.

(iii) Any person using any traction engine, motor car or carriage contrary to any order made under this section shall be guilty of an offence under this Enactment.

13. No person shall drive a traction engine or motor car over any bridge on or near which a conspicuous notice has been placed by the authority of the State Engineer of the State wherein such bridge is situate or his representative to the effect that such bridge is not designed to carry traffic of over a specified weight, unless the weight of such traction engine or of such traction engine and the carriages attached thereto or of such motor car, as the case may be, is less than the weight so specified or unless he has previously obtained the consent of such State Engineer or his representative to so use the bridge.

Bridges of limited capacity.

14. When any traction engine which exceeds five tons in weight is travelling on a public thoroughfare, two persons, one of whom shall hold a driver's certificate, shall be employed in driving or attending to it; and when any carriages are attached to such traction engine there shall be an attendant in charge of each carriage.

Attendants for traction engines exceeding five tons.

A breach of this section shall be an offence under this Enactment.

15. The Chief Secretary to Government may from time to time by notification published in the *Gazette* prohibit the driving of motor cars generally or of particular classes of motor cars within the limits of any township or over any public thoroughfare specified in the notification at a speed exceeding that prescribed by the notification for such township or thoroughfare, as the case may be.

Speed limit.

Any person who shall contravene the terms of any prohibition published under this section shall be guilty of an offence under this Enactment.

16. When any person is found using a traction engine or motor car in contravention of any provision of this Enactment or of any rule made thereunder, it shall be lawful, in any case in which such traction engine or motor car or its driver cannot be identified and in any case in which such action may appear to be necessary to cause a discontinuance of such offence, for any police officer to take or cause to be taken the traction engine with any carriage attached thereto or the motor car to a place of safety there to be kept pending the order of a Magistrate.

Detention of traction engine or motor car by police.

*Any person removing or causing to be removed such traction engine or motor car from the place of safety pending the order of a Magistrate without the consent of the Chief Police Officer shall be guilty of an offence under this Enactment.*

E. 15 of 1911.

17. A licensing officer may at any time, by notice in writing stating the grounds on which inspection is desired, require the owner of any licensed traction engine or motor car to produce for his inspection such traction engine or motor car or the license relating thereto, and such owner shall within seven days from the delivery to him of such notice produce the same accordingly.

Inspection.

17A. (i) *The Resident of a State may, with the approval of the Chief Secretary to Government, by notification in the Gazette prescribe for such State or any part thereof or route therein the rates and charges payable in respect of*

Fixing of rates and charges.  
E. 9 of 1918.

(a) *conveyance of passengers and goods by traction engines, carriages, and motor cars licensed or otherwise authorized under this Enactment to be used for hire purposes, and*

(b) *periods during which in the course of any hiring such traction engines, carriages, and motor cars are detained stationary at any place for the purposes of the hirer, and*

(c) *the return journeys of such traction engines, carriages, and motor cars from places to which passengers or goods have been conveyed,*

*and may from time to time, with the like approval, vary and rescind any rate or charge so prescribed.*

(ii) *When rates or charges shall have been prescribed under this section for any place or route, then, except in cases of express contract to the contrary, the rates and charges so prescribed shall be legally payable, and no other rates or charges shall be payable in respect of any conveyance of passengers or goods, detention, or return journey for which rates or charges are so prescribed.*

Hire-cars to  
wait at stands.

**17B.** *If any driver or person in charge of a motor car licensed or otherwise authorized under this Enactment to be used for hire purposes shall wait or loiter with such motor car on any public thoroughfare whilst there is room for such motor car at any place within a reasonable distance which is specially appointed by public notice or otherwise as a stand for motor cars waiting for hire, he shall be guilty of an offence under this Enactment.*

Display of  
tables of  
distances and  
of rates and  
charges.

**17C.** (i) *It shall be the duty of licensing officers to supply on demand and payment of the prescribed fee, if any, to the owner or driver of every traction engine, carriage, and motor car licensed or otherwise authorized under this Enactment to be used for hire purposes tables of distances and of the rates and charges prescribed for the time being for any State under Section 17A, in order that such tables may be conspicuously exhibited upon such traction engine, carriage, or motor car.*

(ii) *For tables supplied under this section such fees may be charged as shall be prescribed by rule under Section 20.*

(iii) *If in any State a traction engine, carriage, or motor car licensed or authorized as aforesaid waits for hire or for passengers on a public thoroughfare, or is stationary at a place specially appointed by public notice or otherwise for traction engines, carriages, or motor cars so waiting, or is used on a public thoroughfare, without bearing conspicuously exhibited thereon in a legible condition tables, supplied by a licensing officer, of distances and of the rates and charges prescribed under Section 17A for such State, the owner thereof and the person in charge of or driving the same shall each be guilty of an offence and liable on conviction to a fine not exceeding one hundred dollars, unless he prove that he had taken all steps reasonably practicable to ensure that such tables should be and remain conspicuously exhibited on such traction engine, carriage, or motor car.*

Non-payment of  
fare.

**17D.** *Any person who having travelled in a motor car licensed or otherwise authorized under this Enactment to be used for hire purposes shall at the end of his journey in such motor car refuse or neglect to pay to the owner or driver thereof such sum as is legally payable by him in respect of such journey shall be guilty of an offence under this Enactment; and the Magistrate before whom the conviction is had may order that the whole or any part of any fine imposed be paid*

to the said owner or driver and may also order payment of the sum payable in respect of the journey. Any sum so ordered to be paid shall be recoverable as if it were a fine.

17E. If the driver or person in charge of a motor car licensed or otherwise authorized under this Enactment to be used for hire purposes which is waiting for hire or for passengers on a public thoroughfare or is stationary at a place specially appointed by public notice or otherwise for motor cars so waiting or is being used on a public thoroughfare shall without reasonable excuse, the burden of proof whereof shall lie on him, refuse to accept a passenger on demand, he shall be guilty of an offence under this Enactment; provided that

Refusing  
passengers.

(a) no motor car plying regularly on a fixed route shall by reason of anything in this section contained be liable to be diverted from such route; and

(b) any person who shall require the driver or person in charge of a motor car to convey him on any journey without having the full number of passengers authorized under this Enactment to be carried in such motor car shall, in the absence of an express contract to the contrary, pay at the end of the journey to such driver or person in charge the difference between the amount payable (otherwise than under this proviso) in respect of such journey by the persons actually conveyed thereon and the amount which would have been payable if such full number of passengers as aforesaid had been conveyed.

17F. In the event of any dispute between the hirer and driver of any motor car with regard to the sum payable in respect of the hiring, the hirer may require the driver to drive to the nearest Police Station, and on arrival there the hirer shall deposit the sum demanded from him with the officer in charge of the station, who shall pay the same over to the nearest licensing officer to be by him retained until the matter in dispute shall be decided by a Magistrate or otherwise.

Disputes as to  
fare.

18. (i) Any person other than a person residing in the Federated Malay States to whom a certificate of competency or driver's license has been issued in any place outside the Federated Malay States to which the Chief Secretary to Government shall by notification in the *Gazette* have directed that this section shall apply or in the Colony under the provisions of any law relating to traction engines or motor cars and which certificate of competency or driver's license would, if such person were in the place where it was issued, still be in force may drive a traction engine or motor car without a driver's certificate under this Enactment; provided that such person shall when driving a traction engine or motor car in the Federated Malay States carry on his person such certificate of competency or driver's license; and produce the same on demand of a licensing officer or of any police officer not below the rank of sergeant;

Driver's  
certificate  
issued outside  
the Federated  
Malay States.

E. 15 of 1911.

(ii) If any such person fails so to produce on demand such certificate of competency or driver's license, he shall be liable on conviction before a Magistrate to a fine not exceeding fifty dollars in respect of each such offence.

E. 15 of 1911.

(iii) *Any such certificate of competency or driver's license may be endorsed, suspended, or cancelled in the same manner as if it had been issued under the provisions of this Enactment.*

**19.** *Any traction engine or motor car not owned by a person residing in the Federated Malay States may*

(a) *if it is registered or licensed under the provisions of any law in a place, outside the Federated Malay States and the Colony, to which the Chief Secretary to Government shall by notification in the Gazette have directed that this section shall apply, be used on public thoroughfares in the Federated Malay States, and*

(b) *if it is registered or licensed under the provisions of any law in the Colony, be used on public thoroughfares in the Federated Malay States* \* \* \*

*without being licensed under this Enactment ; provided that the owner and the driver of such traction engine or motor car shall be liable in all other respects to the provisions of this Enactment.*

**20.** *The Chief Secretary to Government may from time to time make rules*

(i) *to specify the number, class, and efficiency of the brakes to be used on any traction engine or motor car or carriage ;*

(ii) *to declare the rules of the road to be observed by drivers of traction engines and motor cars ; and the general precautions to be taken by them for avoidance of risk of accident.*

(iii) *to regulate and, if necessary, prohibit the use of horns and other appliances for giving warning of approach ;*

(iv) *to control the emission of sparks, smoke, and visible vapour ;*

(ivA) *to prohibit the use of any appliance or the doing of any act which is likely to cause annoyance or danger ;*

(v) *to regulate the width of tyres and the material of which they may be made and, if necessary, to prohibit the use of any tyres likely to cause damage to the road ;*

(vi) *to regulate the number of carriages that may be attached in train to any traction engines, the manner in which the same shall be kept under control, and the weights to be carried on the carriages ;*

(vii) *to facilitate the identification of traction engines, motor cars and carriages ;*

(viii) *to regulate the size, shape, and character of the identifying marks to be fixed under this Enactment and the mode in which they are to be fixed and to be rendered easily distinguishable by night and day ; and to prescribe the fees to be charged for dealers' identification marks assigned under Section 4 ;*

(ix) *to regulate the licensing of traction engines, motor cars and carriages, the form and contents of the licenses and the periods during which licenses shall remain in force, to prescribe the fees to be charged for licenses and the mode of collection and disposal of such fees, and to provide for the cancellation or suspension of*

Traction  
engines and  
motor cars  
registered  
outside the  
Federated  
Malay States.  
E. 14 of 1916.

E. 16 of 1920.

Rules.

E. 9 of 1918.

E. 15 of 1914.

licenses : provided that no fees shall be payable for licenses issued in respect of traction engines or motor cars belonging to the Government or in respect of motor cars belonging to any public servant drawing an allowance in respect thereof from public funds or in respect of traction engines or motor cars kept exclusively for sale by *bonâ fide* dealers therein :

(ixA) *to empower licensing officers when licensing any motor car to determine the number of persons that may be carried by such motor car and to enter such number in the license.*

(x) to regulate the granting of drivers' certificates and the form and contents thereof and to prescribe the fees to be charged therefor and the mode of collection and disposal of such fees ; provided that no fee shall be payable for a driver's certificate issued to a public servant in respect only of a traction engine or motor car belonging to the Government or in respect only of a motor car on account of which such public servant draws an allowance from public funds :

(xi) to regulate the lights to be carried by traction engines, motor cars and carriages, whether in respect of the nature of such lights, the positions in which they shall be fixed, the periods during which they shall be lighted or otherwise ;

(xii) to prescribe in respect of traction engines, motor cars and carriages to be used for hire or trade purposes the size and weight thereof, the number of passengers (if any) that may be carried, *the positions which they may occupy*, and the seating accommodation to be provided, and to provide for the marking thereon of the said particulars and of such other particulars as may be specified, and, *in respect of motor cars to be used for hire purposes, to prescribe requirements as regards mechanism, painting, cleanliness, and comfort.* Any rules made under this clause may be of general application or be limited to particular localities or thoroughfares to be specified in the rules : E. 9 of 1913.

(xiii) to prescribe the number of persons to be employed in the working and management of motor cars used to convey persons for hire, and to regulate the duties and conduct of such persons *and of the drivers of such cars.* E. 9 of 1913.

(xiv) to regulate or restrict the carriage of luggage or other goods on motor cars plying for hire : E. 9 of 1913.

(xv) to prescribe the fixing of apparatus for the purpose of limiting the maximum speed of traction engines or motor cars :

(xvi) to prescribe road-signs to be set up on or near public thoroughfares for the information of persons driving traction engines and motor cars ; and

(xvii) generally to carry out the purposes of this Enactment.

All rules made under this section shall be published in the *Gazette*.

21. A person guilty of an offence under this Enactment for which no penalty is otherwise expressly provided *or of a breach of any rule made thereunder* shall be liable on conviction by a Magistrate Penalty.  
E. 15 of 1914.

to a fine not exceeding two hundred dollars in respect of each offence *or breach*, and in the case of a second or subsequent conviction to a fine not exceeding five hundred dollars or in the discretion of the Court to imprisonment of either description for a term not exceeding three months.

Liability.

**22.** Nothing in this Enactment shall be held to affect any liability of the driver or owner of a traction engine or motor car by virtue of any Enactment or otherwise.

Power to  
exempt.  
E. 15 of 1914.

**23.** *The Chief Secretary to Government may exempt any traction engine or motor car or type of traction engine or motor car from the operation of all or any of the provisions of this Enactment or from the fees payable thereunder or may reduce such fees.*

#### SCHEDULE.

#### ENACTMENTS REPEALED.

##### I.—STATE ENACTMENTS.

State.	No. and year.	Short title.
Perak ..	9 of 1903	The Automobiles Enactment, 1903
Selangor ..	7 of 1903	Do.
N. Sembilan ..	19 of 1903	Do.
Pahang ..	8 of 1903	Do.
Perak ..	15 of 1909	The Automobiles Enactment, 1903, Amendment Enactment, 1909
Selangor ..	16 of 1909	Do.
N. Sembilan ..	16 of 1909	Do.
Pahang ..	16 of 1909	Do.

##### II.—FEDERAL ENACTMENTS.

No. and year.	Short title.
7 of 1910	The Automobiles Enactments, 1903, Amend- ment Enactment, 1910



## ENACTMENT NO. 1 OF 1913.

As amended by Fed. E. 25 of 1915, 10 of 1916, 19 of 1917, and 29 of 1920.

An Enactment to make better provision for the organization and discipline of Volunteer Forces in the Federated Malay States.

ARTHUR YOUNG,  
*President of the Federal Council.*

[30th July, 1913.  
1st August, 1913.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title,  
commence-  
ment, and  
repeal.

1. (i) This Enactment may be cited as "The Volunteer Enactment, 1913," and shall come into force on the publication thereof in the *Gazette*.

(ii) Upon the coming into force of this Enactment the Enactment specified in the first schedule shall be repealed: provided that all corps and all appointments subsisting immediately prior to the commencement of this Enactment which were duly constituted or made under the Enactment hereby repealed or under any prior Enactment providing for the establishment of a Volunteer Force in the Federated Malay States or any of them shall, so far as may be consistent with the provisions of this Enactment, be deemed to have been constituted and made under this Enactment.

2. In this Enactment unless the context otherwise requires—

Interpretation.

"Chief Secretary" means the Chief Secretary to Government, Federated Malay States.

"General Officer Commanding" means the General Officer Commanding the troops in the Colony and includes the Officer for the time being Commanding the Troops in the Colony.

"Commandant" means such officer as may from time to time be appointed by the Chief Secretary to command a Volunteer Corps in the Federated Malay States, or in his absence the senior combatant officer of that corps; and for the purpose of the application of this Enactment to a Volunteer Corps whereof no Commandant shall have been appointed "Commandant" means in the case of each unit of such corps the officer appointed for the time being by the Chief Secretary to command such unit, or in his absence the senior officer of such unit.

B. 19 of 1917.

"Adjutant" includes any person whose appointment as Adjutant to a Volunteer Corps of the Federated Malay States has been notified in the *Gazette*.

"Officer" means a person holding a commission as officer in a Volunteer Corps of the Federated Malay States, and "Volunteer" means a member of such a Volunteer Corps not being an officer; and, saving in Sections 4, 16, and 26, "Officer" shall include all officers belonging to a force raised in the United Kingdom of Great

Britain and Ireland, in India or in a British Colony when attached to or doing duty with any portion of the Volunteer Forces of the Federated Malay States, and "Volunteer" shall include all non-commissioned officers and men belonging to a force raised in the said United Kingdom, in India, or in a British Colony when attached to or otherwise acting as part of or with any portion of the Volunteer Forces of the Federated Malay States.

E. 29 of 1920.

"Advisory Committee" means an Advisory Committee established by the Chief Secretary in accordance with the provisions of this Enactment.

"Army Act" means the Act of the Parliament of the United Kingdom of Great Britain and Ireland, Forty-four and Forty-five Victoria, chapter 58, and any other Act of the said Parliament for the time being amending the same.

"Appointments" includes accoutrements and equipments of every kind other than clothing.

## PART I.

### ORGANIZATION OF VOLUNTEER CORPS.

Chief Secretary may accept and may discontinue services of corps.

3. (i) It shall be lawful for the Chief Secretary to accept the services of any persons desiring to become members of a Volunteer Corps under this Enactment and offering their services, and on such acceptance being notified in the *Gazette* the proposed corps shall be deemed lawfully constituted under this Enactment.

(ii) Any such corps shall be designated by such title and shall consist of such establishment as the Chief Secretary, upon the recommendation of the General Officer Commanding, shall by regulation direct.

E. 29 of 1920.

(iii) *The object of any such corps shall be to suppress local disturbances and to assist the Imperial Forces in the permanent defence of the Malay States.*

(iv) The Chief Secretary may disband or discontinue the services of any Volunteer Corps or any part thereof whenever it seems to him expedient so to do.

Commissions, appointments, and promotions.

4. (i) The officers shall be commissioned by the High Commissioner, and no such commission shall be deemed vacated by the death or retirement from office of the High Commissioner by whom the same was issued.

E. 10 of 1916.

(ii) All appointments and promotions of officers shall be published in the *Gazette* and shall take effect from the date specified in such publication.

(iii) The non-commissioned officers shall be appointed and promoted by the Commandant.

Cadet Corps.

E. 19 of 1917.

4A. (i) *It shall be lawful also for the Chief Secretary to accept the services, but without enrolment as members of a Volunteer Corps, of youths of twelve years of age and upwards whom he may deem qualified as cadets to be formed into a Cadet Corps.*

(ii) *Such corps may, at the discretion of the General Officer Commanding and with the concurrence of the Chief Secretary, be attached to a Volunteer Corps.*

(iii) *The officers of a Cadet Corps shall be commissioned by the High Commissioner and no such commission shall be deemed vacated by the death or retirement from office of the High Commissioner by whom the same was issued.*

(iv) *The General Officer Commanding may from time to time make regulations, to be approved by the Chief Secretary, for the general government, management, and discipline of Cadet Corps and the conditions under which the same may be disbanded or the services of any members thereof dispensed with.*

5. Every person enrolled after the commencement of this Enactment in a Volunteer Corps under this Enactment shall engage to serve for a period of not less than two years. Term of service.

6. (i) *Subject as hereinafter mentioned any volunteer may, except when on active service, quit his corps before the expiration of the time for which he has engaged to serve if* Power of volunteer to quit corps on conditions.  
E. 29 of 1929.

(a) *he obtains from the Chief Secretary permission in writing to do so, and such permission is granted upon the ground of ill-health, change of residence or other sufficient cause ;*

(b) *the Advisory Committee of the Company of the Volunteer Corps on the strength of which he is borne or if not borne on the strength of any company the Head Quarters Advisory Committee of the corps of which he is a member recommends that he be allowed to quit his corps and such recommendation has been approved by the Chief Secretary.*

(ii) A volunteer quitting his corps under the provisions of subsection (i) shall

(a) deliver up in good order (fair wear and tear only excepted) all arms, clothing, and appointments, being property of the Government, issued to him ; and

(b) pay all money due or becoming due by him under the regulations of the corps either before or at the time of or by reason of his quitting it ;

and thereupon he shall be struck out of the muster roll of the corps by the Commandant.

(iii) If any person fails to deliver up in good order (fair wear and tear excepted) any arms, clothing, or appointments which he is liable under this Enactment or any regulation made thereunder to deliver up, he shall be liable to pay to the Government of the Federated Malay States the value thereof, and such value shall be determined by the Commandant.

7. Every member of a Volunteer Corps shall, until he quits the corps in the prescribed manner, remain subject to the provisions of this Enactment. Members subject to Enactment.

8. Any member of a volunteer corps who having served for a period of not less than two years and being on the effective muster roll of such corps on a date within three months before the date of the annual inspection prescribed by Section 10 quits his corps before such last-mentioned date otherwise than under clause (a) of subsection (i) of Section 6 shall be liable to pay on the order of the Com- Penalty for quitting corps on eve of annual inspection.  
E. 19 of 1917.

*mandant* a fine of twenty-five dollars which shall be paid into a Government Treasury to the credit of the Government Federated Malay States.

When  
volunteers  
to be under  
command of  
officers of  
regular forces.

9. Whenever any volunteers are on active service or are undergoing drill, exercise, or inspection or voluntarily doing any duty together with His Britannic Majesty's regular forces, they and their officers shall, subject to regulations under this Enactment, be under the command of the officers of His Britannic Majesty's regular forces; provided always that the volunteers shall, when the circumstances of the service admit, be led by their own officers under such command.

Annual  
inspection.

10. (i) Every Volunteer Corps shall be inspected at least once in each year by such officer as the General Officer Commanding may nominate in that behalf.

(ii) Every member of a Volunteer Corps shall attend every inspection of his corps held under sub-section (i) except on any occasion when he shall have previously obtained from the Commandant written permission to be absent. No application for such permission on the ground of ill-health shall be entertained by the Commandant unless it be supported by a certificate from a duly qualified medical practitioner.

Requisites of  
efficiency to  
be declared  
by General  
Officer  
Commanding.  
E. 29 of 1920.

11. The General Officer Commanding may by regulations under Section 14 declare what is requisite to entitle a volunteer to be *classified as an effective*, by defining for that purpose the course of instruction and training to be gone through by the volunteer and the degree of proficiency in drill and instruction to be attained by him and by the corps or any part thereof to which he belongs, such proficiency to be estimated by the inspecting officer at the annual inspection of the corps or otherwise as prescribed.

Efficiency.  
E. 29 of 1920.

12. (i) Every member of a Volunteer Corps who shall have joined such corps shall *qualify to be classified as an effective in any year by performing a proportionate amount of training on the scale laid down from time to time according to the month in which he shall have enrolled. The Commandant shall have power to vary this amount in special circumstances by permitting members to do less training under instructions to be issued from time to time by the General Officer Commanding.*

E. 19 of 1917.

(ii) Any member of a Volunteer Corps who shall fail to comply with the requirements of sub-section (i) shall be liable to *pay on the order of the Commandant a fine of twenty-five dollars*, which shall be paid into a Government Treasury to the credit of the Government of the Federated Malay States.

Repealed by  
E. 29 of 1920.

12A.                   \*                   \*                   \*                   \*                   \*

Court of  
Enquiry.

13. (i) The General Officer Commanding may at any time assemble a Court of Enquiry, composed of members of a Volunteer Corps, to enquire into any matter relative to such corps or any part thereof or to any officer or volunteer and to record the facts and circumstances ascertained on such enquiry and, if required, to report on the same for his information.

(ii) The Commandant may at any time assemble a Court of Enquiry, composed either of officers and volunteers belonging to a Volunteer Corps or of such officers or of such volunteers, to enquire into any matter relative to such corps or any part thereof or to any volunteer not being an officer and to record the facts and circumstances ascertained on such enquiry and, if required, to report on the same for his information.

(iii) *The Chief Secretary may call for the report or finding of any Court of Enquiry and such report or finding shall be subject to the confirmation, amendment or revision by the Chief Secretary or may be otherwise dealt with by him.* E. 29 of 1920.

14. (i) The General Officer Commanding may from time to time by notification in the *Gazette* make regulations to be approved by the Chief Secretary respecting anything in this Enactment directed or authorized to be done or provided by regulations and also such other regulations to be approved by the Chief Secretary (not being inconsistent with the provisions of this Enactment) as may seem fit respecting

Power of General Officer Commanding to make regulations.

(a) the appointment, promotion, *resignation*, *retirement* and rank of officers ;

(b) the assembling and proceedings of Courts of Enquiry ;

(c) the grant of decorations and medals to officers and volunteers and to persons who have been officers or volunteers ;

(d) generally the execution of this Enactment and the general government and discipline of the Volunteer Force.

(ii) *The Chief Secretary may appoint an Advisory Committee for each Company of a Volunteer Corps and also an Advisory Committee for the Head Quarters of the Corps. Such Advisory Committees shall be composed of such members of the Volunteer Corps and of such other persons as the Chief Secretary may from time to time appoint to act during the pleasure of the Chief Secretary and they shall exercise the powers and duties which are expressly given to or imposed on them by this Enactment or which may from time to time be given to or imposed on them by the Chief Secretary in order to facilitate the carrying out of any of the provisions of this Enactment.* E. 29 of 1920.

(iii) *The Chief Secretary may from time to time make rules to be published in the "Gazette" governing Advisory Committees and their procedure and providing for the due and proper execution of their powers and duties.*

(iv) *Nothing herein contained shall be deemed to authorize or empower an Advisory Committee to exercise any of the powers or duties by this Enactment conferred or imposed upon the General Officer Commanding unless the General Officer Commanding shall expressly assent thereto.*

15. If any person belonging or having belonged to a Volunteer Corps neglects or refuses to pay any fine incurred by him under this Enactment or under the regulations of the corps, such fine shall (without prejudice to any other remedy) be recoverable from him with costs at any time within eighteen months after the same becomes due and payable in the manner hereinafter mentioned and when recovered shall be paid into a Government Treasury to the credit of the Government of the Federated Malay States.

Recovery of fines.

## PART II.

## ACTIVE SERVICE.

Chief Secretary  
may call out  
volunteers  
for active  
service in case  
of emergency.

16. (i) In case of great national or local emergency or in case of actual or apprehended invasion of or attack on the Federated Malay States the Chief Secretary may call out any Volunteer Corps or any part thereof for active service.

(ii) Every officer and volunteer belonging to any corps or part of a corps so called out shall be bound to assemble at such place and perform such service as may be directed by the Chief Secretary.

(iii) Every such officer and volunteer from the time of his corps or part thereof being so called out shall for the purposes of this Enactment be deemed to be on active service. If any such officer or volunteer not incapacitated by infirmity for service refuses or neglects so to assemble, he shall be deemed a deserter.

(iv) The period of such service shall continue so long as the Chief Secretary shall consider necessary and shall end only by order of the Chief Secretary.

(v) Nothing in this Enactment shall render any officer or volunteer liable to serve or proceed on duty without his consent beyond the limits of such portion of the Malay Peninsula and the adjacent islands as may for the time being be under British protection or jurisdiction.

Volunteers  
when called out  
on service to be  
entitled to pay  
and quarters.

17. All persons enrolled in any Volunteer Corps when called out on active service by the Chief Secretary shall be entitled to pay and allowances in the same manner and after the same rates and conditions and to be quartered or billeted in like manner in every respect and under and subject to the same regulations as His Britannic Majesty's forces, so far as the same shall by the Chief Secretary be deemed applicable to the Volunteer Corps.

Relief to  
families of  
volunteers  
called out on  
service.

18. All persons enrolled as aforesaid who shall, when called out on active service, leave families unable to support themselves shall during the period of their absence on active service be entitled to relief for their wives and families, and it shall be lawful for the Chief Secretary to fix the amount of such relief.

When  
travelling  
expenses are  
payable to  
volunteers.

19. Whenever any person enrolled as aforesaid shall be called out on active service away from his place of residence, he shall be entitled to receive, if willing to do so, his travelling expenses from and to such place of residence, and it shall be lawful for the Chief Secretary to fix the rate and amount of such expenses.

Pensions to  
officers and  
volunteers  
disabled on  
service and to  
widows and  
families of those  
killed on  
service.

20. All officers and volunteers who shall have received wounds or injuries on active service and the widows and families of all officers and volunteers who shall have been killed or have died, within twelve months after having been wounded, of wounds received during active service or have died within twelve months from illness directly traceable to fatigue or exposure incident to

active service shall be entitled to such pensions or gratuities as shall be fixed by the Chief Secretary ; provided that no pension or gratuity under this section shall exceed the sum of one thousand dollars per annum.

### PART III.

#### DISCIPLINE.

#### 21. *The discipline of officers and volunteers when they are not*

As to discipline  
when not on  
active service.  
E. 25 of 1915.

(a) *on active service, or*

(b) *undergoing drill, exercise, training, or inspection together with, or voluntarily doing any duty together with, the Malay States Guides or His Britannic Majesty's regular forces or any part thereof,*

*shall be maintained as follows :*

(i) *The Commandant may, subject to such appeal to the Chief Secretary as is hereinafter mentioned, discharge from a Volunteer Corps any volunteer and strike him out of the muster roll either for disobedience of orders by him while doing any duty with the corps or any part thereof or for neglect of duty or misconduct by him as a member of the corps or for other sufficient cause the existence and sufficiency of such causes respectively to be judged of by the Commandant or, in case of appeal, by the Chief Secretary.* E. 29 of 1920.

(ii) Any volunteer so discharged shall nevertheless be liable to deliver up in good order (fair wear and tear only excepted) all arms, clothing, and appointments, being property of the Government issued to him and to pay all moneys due or becoming due by him under this Enactment or under regulations of the corps either before or at the time of or by reason of his discharge, *and the amount of such moneys shall be determined by the Commandant, but any volunteer who feels aggrieved by such discharge may appeal to the Chief Secretary within three months after such discharge and the Chief Secretary may cancel or confirm such discharge or give such other directions with reference thereto as to him may seem just and proper, and such determination shall be binding on all persons.* E. 19 of 1917.

(iii) If any officer or volunteer while

(a) he is on the line of march or on duty with the corps to which he belongs or any part thereof, or

(b) he is engaged in any exercise or drill with such corps or any part thereof, or

(c) he is wearing the clothing or accoutrements of such corps and is going to or returning from any place of exercise, drill, or assembly of such corps or is otherwise on duty,

disobeys any lawful order of any officer or is guilty of misconduct, the senior officer present in command of the corps may order the

offender if an officer into arrest and if not an officer into the custody of any volunteer belonging to the corps : provided that the offender shall not be kept in such arrest or custody longer than during such time as the corps, or such part thereof as aforesaid, then remains on march or duty or continues engaged in any such exercise or drill as aforesaid or otherwise on duty ; and for the purposes of this provision any such officer or volunteer while going to or returning from any place of exercise, drill, or assembly of his corps shall be deemed to be on duty so long as he continues to wear the clothing or accoutrements of such corps.

(iv) Every such arrest shall be forthwith reported to the Commandant.

**22.** (i) *The discipline of officers and volunteers when they are*

(a) *on active service, or*

(b) *undergoing drill, exercise, training, or inspection together with, or voluntarily doing any duty together with, the Malay States Guides or His Britannic Majesty's regular forces or any part thereof,*

*shall be maintained as follows :*

The provisions of the Army Act shall, so far as the same are consistent with the provisions of this Enactment, apply to all officers and volunteers, with the following modifications only—

(a) that no officer or volunteer shall for any offence against the said Act be subject to the penalty of death ;

(b) that no sentence of a court martial for the trial of an officer or volunteer shall be carried into execution unless confirmed by the Chief Secretary ;

(c)           \*           \*           \*           \*           \*

(ii) Nothing in this section contained shall be deemed to limit or derogate from the power given by Section 177 of the said Act to the General Officer Commanding His Britannic Majesty's forces with which the corps is serving, of making such exceptions or modifications as in the said section are referred to.

#### PART IV.

#### MISCELLANEOUS.

**23.** *Whenever under the provisions of this Enactment or any regulation thereunder an order is made for the payment of money or of a fine and default is made in complying with such order, the Commandant may send a copy thereof certified under his hand to the Court of a Magistrate having jurisdiction in the place where the defaulter resides, and such Court shall thereupon, subject to any order made on appeal, have power to enforce the said order in the same way as if the said order*

As to discipline  
when on active  
service.  
E. 25 of 1915

Paragraph (c)  
repealed by  
E. 29 of 1920.

Enforcement of  
orders for  
payment of  
money or fine.  
E. 19 of 1917.



*were a decree passed by such Court in the exercise of its civil jurisdiction, notwithstanding that the amount payable under the said order may be in excess of the ordinary jurisdiction of such Court.*

**24.** The Commandant may appear in any Civil Court or before any Magistrate by any member of the corps authorized by him in writing under his hand.

Appearance  
of Commandant  
in Court.

**25.** The Chief Secretary may exempt from taxation any horse kept for the purposes of this Enactment.

Exemption of  
horses from  
taxation.

**26.** Every person becoming a volunteer after the commencement of this Enactment shall on his enrolment, or as soon thereafter as may be, take *one of* the oaths set forth in the second schedule, to be administered by a Magistrate or by an Adjutant or by an officer of the corps who has taken *one of* such oaths, and shall also sign the form of enrolment set forth in the third schedule and be bound thereby.

Oath and form  
of enrolment.

E. 29 of 1920.

**27.** Whoever assaults or resists or abets any person in assaulting or resisting any member of a Volunteer Corps in the discharge of his duty as such member shall be punishable, on conviction before a Magistrate, with fine not exceeding one hundred dollars or with imprisonment for any term not exceeding six months or with both.

Assaulting or  
resisting  
member of  
corps.

#### FIRST SCHEDULE.

#### ENACTMENT REPEALED.

No. and year.	Short title.
15 of 1910	The Volunteer Enactment, 1910

#### SECOND SCHEDULE.

#### FIRST OATH.

I, A. B., do sincerely promise and swear that I will well and truly serve as a Volunteer within the Federated Malay States and will in all things submit myself to and obey the lawful orders of my superior officers according to the conditions of my service.

#### SECOND OATH.

I, A. B., do sincerely promise and swear that I will well and truly serve as a Volunteer within the Federated Malay States or any part of the Malay Peninsula or of the islands adjacent thereto for the time being under British protection or jurisdiction and also in any

other place where I may from time to time be serving under "The Volunteer Enactment, 1913," and will in all things submit myself to and obey the lawful orders of my superior officers according to the conditions of my service.

THIRD SCHEDULE.

FORM OF ENROLMENT.

I, A. B., being desirous of enrolment in the Volunteer Corps known as.....do hereby engage to serve therein for a period of not less than two years and to be bound by any authorized regulations of the said corps which may be in force from time to time during the continuance of my membership.

## ENACTMENT NO. 2 OF 1913.

An Enactment to provide for certain matters relating to  
Collisions of Vessels and claims for Salvage.

ARTHUR YOUNG, [30th July, 1913.  
*President of the Federal Council.* 1st August, 1913.]

It is hereby enacted by the Rulers of the Federated Malay States  
in Council as follows :—

1. This Enactment may be cited as “The Collision and Salvage  
Enactment, 1913,” and shall come into force on the publication  
thereof in the *Gazette*. Short title and  
commencement.

2. In this Enactment

Interpretation.

“Freight” includes passage money and hire ;

“Salvage” includes all expenses properly incurred by the salvor  
in the performance of the salvage services ;

“Vessel” includes any ship or boat or any other description of  
vessel used in navigation.

References to damage or loss caused by the fault of a vessel  
includes references to any salvage or other expenses consequent  
upon that fault recoverable at law by way of damages.

### PROVISIONS AS TO COLLISIONS, ETC.

3. Where, by the fault of two or more vessels, damage or loss is  
caused to one or more of those vessels, to their cargoes or freight or  
to any property on board, the liability to make good the damage  
or loss shall be in proportion to the degree in which each vessel  
was in fault. Rule as to  
division of loss.

Provided that

- (a) if, having regard to all the circumstances of the case, it is  
not possible to establish different degrees of fault, the  
liability shall be apportioned equally ; and
- (b) nothing in this section shall operate so as to render any  
vessel liable for any loss or damage to which her fault  
has not contributed ; and
- (c) nothing in this section shall affect the liability of any person  
under a contract of carriage or any contract or shall be  
construed as imposing any liability upon any person  
from which he is exempted by any contract or by any  
provision of law or as affecting the right of any person  
to limit his liability in manner provided by law.

Damages for  
personal  
injuries.

4. Where loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of the vessels shall be joint and several: provided that nothing in this section shall be construed as depriving any person of any right of defence on which, independently of this section, he might have relied in an action brought against him by the person injured, or any person or persons entitled to sue in respect of such loss of life, or shall affect the right of any person to limit his liability in cases to which this section relates in manner provided by law.

Right of  
contribution.

5. (i) Where loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and any other vessel or vessels and a proportion of the damages is recovered against the owners of one of the vessels which exceeds the proportion in which she was in fault, they may recover by way of contribution the amount of the excess from the owners of the other vessel or vessels to the extent to which those vessels were respectively in fault: provided that no amount shall be so recovered which could not by reason of any statutory or contractual limitation of or exemption from liability, or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefor.

(ii) In addition to any other remedy provided by law, the persons entitled to any such contribution as aforesaid shall, for the purpose of recovering the same, have, subject to the provisions of this Enactment, the same rights and powers as the persons entitled to sue for damages in the first instance.

Duty of vessel  
to assist the  
other in case of  
collision.

6. (i) In every case of collision between two vessels it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel, crew, and passengers (if any),

(a) to render to the other vessel, her master, crew, and passengers (if any) such assistance as may be practicable and may be necessary to save them from any danger caused by the collision and to stay by the other vessel until he has ascertained that she has no need of further assistance; and also

(b) to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which she belongs and also the names of the ports from which she comes and to which she is bound.

(ii) If the master or person in charge fails without reasonable cause to comply with this section, he shall be guilty of an offence and shall be liable to imprisonment of either description for a term not exceeding two years or to fine.

#### PROVISIONS AS TO SALVAGE.

General duty to  
render assist-  
ance to persons  
in danger at sea.

7. (i) The master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, her crew and passengers (if any), render assistance to every person, even if such

person be a subject of a foreign State at war with His Britannic Majesty, who is found at sea in danger of being lost, and, if he fails to do so, he shall be guilty of an offence and shall be liable to imprisonment of either description for a term not exceeding two years or to fine.

(ii) Compliance by the master or person in charge of a vessel with the provisions of this section shall not affect his right or the right of any other person to salvage.

8. (i) Where effective services are rendered wholly or in part within the waters of the Federated Malay States in saving life from any vessel or are rendered elsewhere in saving life from any vessel belonging to subjects of any of the Rulers of the Federated Malay States, there shall be payable to the salvor by the owner of the vessel, cargo, or apparel saved a reasonable amount of salvage, in no case exceeding the value of the vessel, cargo, or apparel saved.

Salvage payable for saving life.

(ii) Salvage in respect of the preservation of life when payable by the owner of the vessel shall be payable in priority to all other claims for salvage.

9. Where any vessel is wrecked, stranded, or in distress at any place on or near the coasts of the Federated Malay States or in any tidal water within the limits of the Federated Malay States and effective services are rendered by any person in assisting that vessel or saving the cargo or apparel of that vessel or any part thereof, there shall be payable to the salvor by the owner of the vessel, cargo, or apparel a reasonable amount of salvage, in no case exceeding the value of the vessel, cargo, or apparel saved.

Salvage of cargo or wreck.

10. Where any dispute arises as to the apportionment of any amount of salvage among the owners, master, pilot, crew, and other persons in the service of any foreign vessel, the amount shall be apportioned by the Court or person making the apportionment in accordance with the law of the country to which the vessel belongs.

Apportionment of salvage amongst owners, etc., of foreign ship.

11. Nothing in Section 8 or Section 9 contained shall entitle any person to remuneration

Services to which Sections 8 and 9 do not apply.

(a) in respect of services rendered contrary to an express and reasonable prohibition of such services on the part of the vessel to which the same were rendered ;

(b) in respect of services rendered by a tug to or in respect of the vessel which she is towing or the cargo thereof, except where such services are of an exceptional character such as are outside the scope of the contract of towage.

12. Sections 8 and 9 shall have effect notwithstanding that the vessel rendering the services and the vessel to which the services are rendered may be owned by the same person.

Where both vessels belong to the same owner.

13. (i) In determining the amount payable under Section 8 or Section 9 or the proportion in which the remuneration is to be distributed among the salvors, the Court shall take into consideration

Matters to be considered in determining amount or distribution of salvage.

- (a) the measure of success obtained ;
- (b) the efforts and deserts of the salvors ;
- (c) the danger run by the salvaged vessel, by her passengers, crew, and cargo ;
- (d) the danger run by the salvaging vessel and the salvors ;
- (e) the time expended, the expenses incurred, the losses suffered, and the risks of liability and other risks run by the salvors and the value of the property exposed to such risks, due regard being had to the special appropriation (if any) of the salvors' vessel for salvage purposes ;
- (f) the value of the property salvaged.

(ii) If it appear to the Court that the salvors have by their fault rendered the salvage or assistance necessary or have been guilty of theft or of any fraud, the Court may disallow or otherwise deal with any claim to remuneration as it may deem fit.

### GENERAL PROVISIONS.

Limitation of  
actions.

**14.** No action shall be maintainable to enforce any claim against the owners of a vessel in respect of any damage or loss to another vessel, her cargo or freight or any property on board her, or damages for loss of life or personal injuries suffered by any person on board her, caused by the fault of the former vessel, whether such vessel be wholly or partly in fault, or in respect of any salvage services, unless proceedings therein are commenced within two years from the date when the damage or loss or injury was caused or the salvage services were rendered, and no action shall be maintainable under this Enactment to enforce any contribution in respect of an overpaid proportion of any damages for loss of life or personal injuries unless proceedings therein are commenced within one year from the date of payment : provided that any Court having jurisdiction to deal with an action to which this section relates may, in accordance with any rules in force for regulating the practice and procedure of such Court, extend any such period to such extent and on such conditions as it thinks fit.

Application of  
Enactment.

**15.** (i) This Enactment shall not apply to vessels belonging to any of the Rulers of the Federated Malay States or to the Government of the Federated Malay States or of any of them and appropriated exclusively to a public service.

(ii) This Enactment shall apply to any persons other than the owners responsible for the fault of the vessel as though the expression " owners " included such persons, and in any case where, by virtue of any charter or demise or for any other reason, the owners are not responsible for the navigation and management of the vessel, this Enactment shall be read as though for references to the owners there were substituted references to the charterers or other persons for the time being so responsible.

## ENACTMENT NO. 5 OF 1913.

An Enactment to provide for the inspection of Boilers, Engines, and other Machinery and for regulating the control and working thereof.

ARTHUR YOUNG,  
*President of the Federal Council.*

[30th July, 1913.  
1st January, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as “The Machinery Enactment, 1913,” and shall come into force upon the 1st day of January, 1914. Short title, commencement, and repeal.

(ii) Upon the coming into force of this Enactment the Enactments specified in the schedule shall be repealed; provided that every certificate, issued under any Enactment hereby repealed, which is in force at the commencement of this Enactment shall so far as may be consistent with the terms thereof be deemed to have been issued under this Enactment.

2. In this Enactment and in any rules made thereunder the following terms shall, unless the context otherwise requires, have the respective meanings hereby assigned to them : Interpretation.

- (a) “Machinery” includes generators, steam engines, and other machines in which mechanical movement either linear or rotative or both takes place, boilers, gasholders, installations, and all appliances for the transmission of power by ropes, belts, chains, driving straps, or bands or gearing, but does not include electrical generators or electrical motors;
- (b) “Generator” means an engine for generating power, whether operated by gas, oil, petrol, hot air, compressed air, or by water, but does not include water-driven engines of less than 25 horse-power;
- (c) “Steam engine” means an engine for generating power operated by steam from a boiler;
- (d) “Boiler” includes any cylinder or other vessel for generating steam under pressure;
- (e) “Gasholder” includes any cylinder or other vessel used for the storage of compressed air or for the storage of any gas under pressure;
- (f) “Installation” includes all machinery operated directly or indirectly by any one generator or steam engine or by any number of generators or steam engines when such

machinery and generators or steam engines are owned by the same person or corporation and are located in any one building or series of contiguous buildings ;

- (g) " Gearing " includes every shaft whether upright, oblique, or horizontal and every wheel, drum, pulley, or other appliance by which the motion of the first moving power is communicated to any machine appertaining to any process or operation ;
- (h) " Prime-mover " means pieces, or combinations of pieces, which receive motion and force directly from some natural source of energy ;
- (i) " Owner " includes the owner, the hirer, and the agent of the owner or of the hirer of any machinery ;
- (j) " Engineer " means an engineer who holds a Marine Engineer's certificate of the first or second class issued by or under the authority of the Board of Trade of the United Kingdom of Great Britain and Ireland or an equivalent thereof issued by a competent authority in a British Colony or Dependency or an engineer's certificate of competency issued under this Enactment ;
- (k) " Driver " means a person possessing the qualifications prescribed for a driver who is in charge and has been duly notified to an Inspector as being in charge of any machinery ;
- (l) " Attendant " includes any person who is employed by an owner to assist an engineer or driver in the charge of any machinery ;
- (m) " Certificate of fitness " means a certificate granted under this Enactment that machinery has been thoroughly inspected, that it satisfies the requirements of this Enactment and the rules thereunder, and that it may be worked or operated ;
- (n) " Chief Secretary " means the Chief Secretary to Government, Federated Malay States ;
- (o) " Resident " means with reference to any machinery the Resident of the State wherein such machinery is located ;
- (p) " Senior Warden " and " Warden " mean, respectively, the Senior Warden of Mines and a Warden of Mines duly appointed under the provisions of the Mining Enactments, 1904 ;
- (q) " Chief Inspector," " Inspector," and " Assistant Inspector " mean, respectively, the Chief Inspector, an Inspector, and an Assistant Inspector appointed under Section 3 ;
- (r) " Court " means the Court of a Magistrate of the First Class ;
- (s) " Grievous hurt " means the kinds of hurt which are designated as " grievous " in the Penal Code.



3. (i) The Chief Secretary may by notification in the *Gazette* appoint so many Inspectors, Assistant Inspectors, and Overseer Inspectors of Machinery as he may think expedient to inspect machinery and to perform such other duties as may be prescribed, and may in like manner appoint a Chief Inspector of Machinery to supervise the methods and details of such inspection and of such duties as aforesaid. Appointment of officers.

(ii) The carrying out of the said inspections and the performance of the said duties shall be under the administrative control of the Wardens, subject to the general direction of the Senior Warden.

(iii) The Chief Inspector shall have and may exercise all powers vested by this Enactment or by any rules thereunder in an Inspector.

4. (i) The Chief Secretary may from time to time make rules not inconsistent with the provisions of this Enactment to prescribe Rules.

- (a) the duties under this Enactment of the Senior Warden, Wardens, and any officers appointed under Section 3 ;
- (b) the times at which and the manner in which any machinery shall be inspected, the notice (if any) to be given in relation to inspections and the preparations to be made by the owners for such inspections ;
- (c) the conditions under which any machinery shall be worked or operated, the standard of safety to be observed and the class of certificate of fitness to be required in respect of any machinery, and the prohibition of the use of dangerous machinery ;
- (d) the fees to be paid for the inspection of machinery and the manner of payment and disposal thereof, the form of certificates of fitness of machinery, the manner and conditions of the issue, extension and revocation thereof and the period for which any such certificate shall remain in force ;
- (e) the qualifications to be possessed by engineers and drivers before they may be placed in charge of or entrusted with the care or management of any machinery ;
- (f) the nature of the examinations for certificates of competency as engineers and drivers, the constitution of a board of examiners, the form of certificates of competency for engineers and drivers, the manner and conditions of the issue thereof, the fees to be paid for such examinations and certificates and the manner of payment and disposal thereof ;
- (g) the measures to be taken and the fittings to be supplied and used in connection with machinery in order to secure the safety and health of engineers, drivers, attendants, other persons, and of the public, and the fees to be paid in respect of such fittings supplied by the Government ;
- (h) the precautions to be taken on the relief of engineers and drivers on duty, and the manner of notifying to Inspectors the names and qualifications of engineers or drivers placed in charge of any machinery ;

- (i) the manner of calculating the horse-power of boilers, generators, and steam engines ;
- (j) the manner of holding enquiries under this Enactment ;
- (k) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any nuisance likely to arise or arising from the use of machinery ;
- (l) the records to be kept in respect of machinery, inspections, certificates, and any other matters to which this Enactment relates and the form thereof and the persons by whom the same are to be kept ;
- (m) the fine with which the contravention of any rule made under this Enactment shall be punishable, provided that no such fine shall exceed five hundred dollars ;
- (n) any other matters as to which it may appear to the Chief Secretary expedient to make rules for the better carrying out of the provisions of this Enactment.

(ii) All rules made under this section shall be published in the *Gazette*.

Prohibition of uncertificated machinery and of unqualified engineers and drivers.

5. (i) No owner or other person shall use, work, or operate or permit to be used, worked, or operated any machinery unless a certificate of fitness under this Enactment has been duly issued in respect thereof, and no person shall use, work, or operate or permit to be used, worked, or operated any machinery in respect of which such certificate as aforesaid has been issued after the expiration of the period for which such certificate is expressed to hold good or after such certificate has been suspended or cancelled.

(ii) No machinery shall be worked or operated except by or under the control of engineers or drivers possessing such qualifications and holding such certificates of competency as may be prescribed, and no person not possessing such qualifications or holding such certificate as aforesaid shall work or operate any machinery except under such control as aforesaid.

Application for inspection of machinery, Examination and certificate.

6. (i) If the owner of any machinery in respect of which no certificate of fitness has been issued gives notice in writing to an Inspector of his desire to have the same inspected, the Inspector to whom such notice is given or some other Inspector shall make or cause to be made an examination thereof as prescribed at a time, to be appointed by the Inspector, between sunrise and sunset and within a reasonable period after such notice and the owner thereof shall afford to such Inspector all reasonable facilities for such examination and all such information as may reasonably be required in connection therewith.

(ii) If the examination made satisfies the Inspector that the machinery examined is in good condition and complies with the requirements of this Enactment and the rules thereunder, he shall on payment of the prescribed fee deliver or cause to be delivered to the owner a certificate of fitness in duplicate in the prescribed form.

(iii) The person receiving a certificate of fitness under this section shall keep one of the said duplicate certificates posted at the place

where the machinery to which it relates is installed or working in such manner as that the same may readily be inspected.

7. Every owner of machinery who holds a certificate of fitness in respect thereof shall at all reasonable times during the period for which such certificate may be in force produce and permit inspection of the same whenever called upon to do so by the Senior Warden, a Warden, a District Officer within his district, the Chief Inspector, an Inspector, or an Assistant Inspector.

Production of certificate.

8. (i) Every owner who shall remove from one place to another or alter or add to any machinery in respect whereof a certificate of fitness is in force shall forthwith give notice thereof in writing to an Inspector.

Removal or alteration of, or addition to, machinery.

(ii) So soon as conveniently may be after receipt of the notice referred to in sub-section (i) an Inspector shall make or cause to be made an inspection and if the machinery as removed, altered, or added to reaches the prescribed standard of safety he shall endorse on the certificate his assent to the removal, alteration, or addition, as the case may be. If the machinery as removed, altered, or added to does not reach the prescribed standard of safety, the Inspector may, by notice in writing posted at the place where the machinery to which it relates is installed or working or served upon the owner thereof, require such further removals, alterations, or additions of or to the said machinery to be made as shall in the said notice be specified and may by the same notice or by a separate notice similarly posted or served prohibit the working or operation of the said machinery or of parts thereof until the said further removals, alterations, or additions shall have been completed. On the completion of any removals, alterations, or additions required under this sub-section to be made an Inspector may endorse on the certificate of fitness his assent thereto.

(iii) No machinery the working or operation whereof shall have been prohibited under sub-section (ii) shall be worked or operated until such assent as is in that sub-section referred to shall have been endorsed on the certificate of fitness or the said prohibition shall have been withdrawn by writing under the hand of an Inspector.

9. (i) In the event of an Inspector finding in any machinery in respect of which a certificate of fitness is in force any defect which in his opinion is likely to cause danger to life or property, he may by notice in writing posted at the place where the machinery to which it relates is installed or working or served upon the owner thereof suspend the certificate of fitness of such machinery until such defect is made good or removed and in such case the said machinery shall not be worked or operated so long as the said notice of suspension remains unrevoked.

Suspension or revocation of certificate where machinery shews any dangerous defect.

(ii) Every engineer in charge of machinery and every owner of machinery shall so soon as he becomes aware of any defect therein which is likely to cause danger to life or property make a report thereof to an Inspector or Assistant Inspector.

(iii) If in the opinion of the Chief Inspector any defect in any machinery in respect whereof a certificate of fitness is in force is of

such a nature that it cannot be made good or removed, the Senior Warden shall hold an enquiry and forward his finding to the Resident who may cancel the certificate of fitness.

Prohibition of interference with safety appliances.

10. No person shall except under the authority of an Inspector tamper with, remove, or damage any safety appliance fitted in connection with or for use with any machinery.

Notice of hire or transfer.

11. Any person who shall hire out or transfer permanently or temporarily any machinery to any other person shall within one month after such hiring out or transfer give notice thereof in writing to an Inspector.

Periodical inspections.

12. In addition to the inspections referred to in Section 6 periodical inspections of all machinery shall be made by the Inspectors and Assistant Inspectors as may be prescribed.

Entry on premises.

13. The Chief Inspector, Inspectors, and Assistant Inspectors are empowered to enter upon any premises, in or upon which any machinery may be, at any time between the hours of 6 a.m. and 6 p.m. and also at any other time when any machinery in or upon such premises may be at work.

Suspension and cancellation of certificates of competency.

14. (i) A Warden or a District Officer within his district may suspend the certificate of competency of any engineer or driver pending a reference to the Court or an enquiry under this Enactment, and no engineer or driver shall during the period of suspension of his certificate of competency take charge or be in charge of any machinery.

(ii) The Resident may after an enquiry under this Enactment held by the Senior Warden and whenever on consideration of a judgment of any Court it appears to him expedient so to do

(a) prohibit permanently or for such period as he may think fit any engineer from being in charge of any machinery,

(b) suspend for such period as he may think fit or cancel the certificate of competency of any engineer or driver issued under this Enactment,

and no person who shall have been prohibited or whose certificate of competency shall have been suspended or cancelled under this subsection shall during the period of such prohibition, suspension, or cancellation take charge or be in charge of any machinery.

Serious accidents to be reported. Investigation and enquiry.

15. (i) Whenever any accident causing or resulting in loss of life or grievous hurt to any person or serious injury to property has occurred in connection with machinery, the owner of such machinery and the engineer or driver in charge thereof shall with the least possible delay report in writing to a Warden or an Inspector or Assistant Inspector the facts of the matter so far as they are known to them respectively, and the Warden or an Inspector or Assistant Inspector shall thereupon visit the place where the accident occurred and make a preliminary investigation of the circumstances and record in writing his finding upon such investigation, and if there has been any loss of life or there is reason to believe that any person has been fatally injured shall send a copy of his finding to the nearest Magistrate.

(ii) In the event of loss of life or grievous hurt to any person due to any accident in connection with machinery no alterations or additions shall without the consent of the Warden or an Inspector be made to any machinery which may have contributed to cause such accident nor shall any alterations be made without such consent to the site of the accident until the Warden or an Inspector or Assistant Inspector has completed his investigation, provided that nothing herein contained shall operate to interfere with rescue work or work necessary for the general safety of life or property.

(iii) If upon a preliminary investigation under sub-section (i) it appears to the officer making such investigation that there is reason to believe that the accident was due to any failure to comply with the provisions of this Enactment or of the rules made thereunder or to neglect of any lawful order given by an Inspector or Assistant Inspector, or if the officer making such investigation as aforesaid is satisfied that the accident might have been prevented if proper precautions had been taken and observed in the working of any machinery, the Senior Warden shall with the Chief Inspector as assessor hold an enquiry into the nature and cause of the accident and shall forward to the Resident a copy of the evidence taken at such enquiry together with his finding thereon and such further report as may seem to him necessary, and if he is of opinion that criminal proceedings ought to be instituted against any person in connection with the accident he shall also forward to the Deputy Public Prosecutor a copy of the said evidence, finding, and report.

16. No owner of machinery shall employ or permit to be employed on any service involving management of or attendance on or proximity to machinery in motion any person under the age of sixteen years.

Prohibition of  
employment of  
children.

17. (i) In the event of any difference of opinion between an owner and an Inspector or between an engineer and an Inspector regarding any structural question or question of fitting or adjustment in relation to machinery, the matter shall be referred to and decided by the Chief Inspector.

Questions for  
decision by  
Chief Inspector.

(ii) From any decision of the Chief Inspector under sub-section (i) an appeal shall lie to the Resident, provided that no such appeal shall, except by special permission of the Resident, be admitted after the expiration of forty-two days from the date when the decision appealed against was given. In dealing with any such appeal the Resident, after enquiry shall have been made into the subject-matter thereof in the manner provided in sub-section (iii) and after such further investigation, if any, as he thinks fit to make, may set aside or vary the decision of the Chief Inspector or may uphold the same, and the decision of the Resident shall be final and shall be carried into effect.

(iii) The subject-matter of any such appeal shall be referred by the Resident to the Senior Warden who shall hold an enquiry into the same with the assistance of two persons of engineering or other special skill and experience, to be nominated by the Resident as assessors. At the conclusion of such enquiry the Senior Warden shall forward to the Resident the evidence, if any, recorded by him together with his opinion and recommendations as to the decision

proper to be given in the matter of the appeal, and any assessor who may dissent from the opinion or recommendations of the Senior Warden may deliver to the Senior Warden for transmission to the Resident a statement in writing of the reasons for his dissent.

(iv) Persons nominated by the Resident to serve as assessors under this section shall be summoned by the Senior Warden so to serve, and every person so summoned who shall assist as assessor at any enquiry held by the Senior Warden under this section shall be entitled to receive from the public funds such remuneration as the Chief Secretary may from time to time fix by notification in the *Gazette*.

(v) Any person summoned to attend as an assessor who without lawful excuse fails to attend as required by the summons or having attended departs without having obtained the permission of the Senior Warden or fails to attend after an adjournment of the enquiry after having been made aware that his attendance will be required shall be liable upon order made by the Senior Warden to a fine not exceeding fifty dollars. When any person is so fined in his absence the Senior Warden shall forthwith send to him a written notice of the fact requiring him to pay the fine or to shew cause before the Senior Warden within seven days why the same should not be paid. Any such fine may be enforced in manner provided by the Code of Criminal Procedure in force for the time being.

Fees

18. All fees payable under this Enactment shall be paid in advance and in such manner as may be prescribed.

Powers of  
Senior Warden  
holding enquiry.

19. For the purpose of holding enquiries under this Enactment the Senior Warden shall have power to administer oaths and affirmations and shall be vested with the powers of a Magistrate of the first class for compelling the attendance of witnesses, maintaining order, and otherwise duly conducting the said enquiries. Persons summoned to attend before the Senior Warden at any such enquiry shall be legally bound so to attend.

Liabilities  
unaffected.

20. Nothing in this Enactment contained shall operate to relieve any owner, engineer, or driver from any civil or criminal liability.

Public servants.

21. Inspectors, Assistant Inspectors, and other officers appointed under Section 3 shall be deemed to be public servants within the meaning of the Penal Code.

Penalties.

22. Any person who shall contravene the provisions of Section 5, 9, 10, 15, or 16 shall be liable on conviction before a Court to a fine not exceeding one thousand dollars and any person who shall contravene the provisions of Section 7, 8, 11, or 14 shall be liable on conviction before a Court to a fine not exceeding five hundred dollars, and any person who shall contravene any other provision of this Enactment shall be liable on conviction before a Court to a fine not exceeding three hundred dollars.

Certain  
machinery  
excluded from  
scope of Enact  
ment.

23. Nothing in this Enactment contained shall apply to

(a) machinery which being owned or controlled by a Government department shall have been exempted by the Chief Secretary, by notification in the *Gazette*, from the provisions of this Enactment ;

- (b) marine machinery ;
- (c) electrical machinery (other than prime-movers driving dynamos or alternators) which is subject to the provisions of any Enactment relating to the supply or control of electrical energy ;
- (d) machinery driven by manual power ;
- (e) machinery for the propulsion of vehicles which is operated by steam from a flash boiler or by petrol or by such other agencies as may from time to time be prescribed by rule under this Enactment.

24. (i) No action shall be brought against any person for anything done or *bonâ fide* intended to be done in the exercise or supposed exercise of the powers given by this Enactment or by any rules made thereunder

Provisions  
regarding  
actions.

- (a) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof ;
- (b) after the expiration of three months from the date of the accrual of the cause of action ;
- (c) after the tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if, at the trial, the plaintiff shall fail to prove such allegation judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Magistrate before whom the action is tried shall certify his approbation of the action.

#### SCHEDULE.

#### ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak .. ..	5 of 1908	The Steam Boilers Enactment, 1908
Selangor ..	4 of 1908	Do.
Negri Sembilan	4 of 1908	Do.
Pahang ..	6 of 1908	Do.

## ENACTMENT NO. 7 OF 1913.

An Enactment to make better provision for the regulation of Wireless Telegraphy.

ARTHUR YOUNG,  
*President of the Federal Council.*

[30th July, 1913.  
1st August, 1913.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and  
commence-  
ment.

1. (i) This Enactment may be cited as “ The Wireless Telegraphy Enactment, 1913,” and shall come into force upon the publication thereof in the *Gazette*.

Amendment  
of “ The  
Telegraphs  
Enactments,  
1905.”

(ii) The Enactments specified in the schedule are amended by deleting from the interpretation of “ Telegraph ” in Section 2 of each of the said Enactments the words “ whether worked with or without lines of wires.”

Interpretation.

2. (i) In this Enactment

the expression “ wireless telegraphy ” means any system of communication by telegraph as defined by “ The Telegraphs Enactments, 1905,” without the aid of any wire connecting the points from and at which the messages or other communications are sent and received ;

the expression “ locally owned ship ” means a ship owned wholly by the Government of the Federated Malay States or of any of them or by subjects of any of the Rulers of the said States or by bodies corporate established under and subject to the laws of the said States or of any of them and having their principal place of business within the said States or by any person residing within the said States.

(ii) Nothing in this Enactment shall prevent any person from making or using electrical apparatus for actuating machinery or for any purpose other than the transmission of messages.

Licenses for  
wireless  
telegraphy.

3. The Chief Secretary to Government may, whenever he shall deem it expedient to do so, license the establishment of any wireless telegraph station or the installation or working of any apparatus for wireless telegraphy in any place in the Federated Malay States or on board any locally owned ship.

Prohibition of  
unlicensed  
wireless  
telegraphy.

4. (i) No person shall establish any wireless telegraph station or instal or work any apparatus for wireless telegraphy in any place in the Federated Malay States or on board any locally owned ship except under and in accordance with a license granted in that behalf by the Chief Secretary to Government.



(ii) Every such license shall be in such form and for such period as the Chief Secretary to Government may determine and shall contain such terms, conditions, and restrictions on and subject to which the license is granted as the Chief Secretary to Government shall consider desirable in the public interest.

5. (i) If any person establishes a wireless telegraph station without a license in that behalf or instals or works any apparatus for wireless telegraphy without a license in that behalf, he shall be liable to a fine not exceeding one thousand dollars or to imprisonment of either description for a term not exceeding twelve months and in either case be liable to forfeit any apparatus for wireless telegraphy installed or worked without a license, but no proceedings shall be taken against any person under this Enactment except with the previous sanction of the Public Prosecutor.

Penalty for  
unlicensed  
operations.

(ii) If a Magistrate is satisfied by information on oath that there is reasonable ground for believing that a wireless telegraph station has been established without a license in that behalf or that any apparatus for wireless telegraphy has been installed or worked in any place or on board any ship within the jurisdiction without a license in that behalf, he may grant a search warrant to any police officer to enter and inspect the station, place, or ship and to seize any apparatus which appears to him to be used or intended to be used for wireless telegraphy therein.

6. (i) The Chief Secretary to Government may make rules for all or any of the following matters :

Rules.

- (a) for prescribing the form and manner in which applications for licenses under this Enactment are to be made ;
- (b) for prescribing the fees payable on the grant of any license ;
- (c) for regulating the manner in which apparatus for wireless telegraphy on board a merchant ship, whether a locally owned ship, a British or a foreign ship, in the waters of the Federated Malay States shall be worked so as to prevent interference with naval signalling or the working of any wireless telegraph station lawfully established, installed or worked in the Federated Malay States or the waters thereof and so as not to interrupt or interfere with the transmission of any wireless messages between wireless telegraph stations established as aforesaid on land and wireless telegraph stations established on ships at sea ;
- (d) for prohibiting except with the special or general permission of the Director of Posts and Telegraphs, Federated Malay States, the working or using of any apparatus for wireless telegraphy on board a merchant ship, whether a locally owned ship, a British or a foreign ship, whilst such ship is in any of the harbours of the Federated Malay States ;
- (e) for prohibiting or regulating, in case at any time in the opinion of the Chief Secretary to Government an emergency has arisen in which it is expedient for the public service that

the Government should have control over the transmission of messages by wireless telegraphy on board merchant ships, whether locally owned ships, British or foreign ships, in the waters of the Federated Malay States, the use of wireless telegraphy on board such ships while in such waters by such further rules as the Chief Secretary to Government may see fit to make from time to time and either in all cases or in such cases as may be deemed desirable.

(ii) No rules made in respect of the matters described in paragraphs (c), (d), and (e) of sub-section (i) shall apply to the use of wireless telegraphy for the purpose of making or answering signals of distress.

7. When an applicant for a license proves to the satisfaction of the Chief Secretary to Government that the sole object of obtaining the license is to enable him to conduct experiments in wireless telegraphy, a license for that purpose shall be granted subject to such special terms, conditions, and restrictions as the Chief Secretary to Government may think proper but shall not be subject to any rent or royalty.

8. (i) Every omission or neglect to comply with and every act done or attempted to be done contrary to the provisions of this Enactment or of any rule made thereunder or in breach of the conditions and restrictions subject to or upon which any license has been issued shall be deemed to be an offence against this Enactment and for every such offence not otherwise specially provided for the offender shall, in addition to the forfeiture of any articles seized, be liable to a fine not exceeding five hundred dollars.

(ii) All convictions, forfeitures, and fines under this Enactment or any rules made thereunder may be had and recovered before the Court of a Magistrate of the First Class.

#### SCHEDULE.

State.	No. and year.	Short title.
Perak .. ..	6 of 1905	The Telegraphs Enactment, 1905
Selangor ..	9 of 1905	Do.
Negri Sembilan	7 of 1905	Do.
Pahang ..	8 of 1905	Do.

Licenses for  
experimental  
purposes.

Penalties.

## ENACTMENT NO. 9 OF 1913.

An Enactment to make better provision for the Sale of Food and Drugs in a pure state.

ARTHUR YOUNG,  
*President of the Federal Council.*

[30th July, 1913.  
1st April, 1915.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows : —

1. (i) This Enactment may be cited as “The Sale of Food and Drugs Enactment, 1913.” Short title.

(ii) Whenever it appears to the Chief Secretary to Government expedient that this Enactment should be brought into force in the Federated Malay States or in any part thereof, it shall be lawful for him by notification in the *Gazette* to direct that this Enactment shall come into force on any date subsequent to the date of such notification either throughout the Federated Malay States or in such State or part of a State as may be specified in such notification ; and every such notification shall have effect and remain in force until annulled by a subsequent notification issued by the Chief Secretary to Government in that behalf ; and this Enactment shall not have effect in any place in which it is not for the time being in force by virtue of such notification as aforesaid. Bringing into force.

2. In this Enactment if not inconsistent with the context—

“Analyst” means an analyst appointed under this Enactment ; Interpretation.

“Appliance” includes the whole or any part of any utensil, machinery, instrument, apparatus, or article used for intended for use in or for the making, keeping, preparing, or supplying of any food ;

“Drug” means any substance or mixture of substances used by man as a medicine, whether internally or externally, and includes anæsthetics ;

“Food” includes every article which is used for food or drink by man or which enters into or is used in the composition or preparation of any such article and also includes flavouring matters and condiments but does not include drugs or water ;

“Officer” means a person appointed by the Chief Secretary to Government, whether by name or office, to be an officer for the purpose of this Enactment ;

“Package” includes every means by which goods for carriage or for sale are cased, covered, enclosed, contained, or packed ;

“Sale ” or “sell ” includes barter and also includes offering or attempting to sell or receiving for sale or having in possession for sale or exposing for sale or sending or delivering for sale or causing or allowing to be sold, offered, or exposed for sale and refers only to sale for human consumption or use.

### APPOINTMENT OF ANALYSTS AND OFFICERS AND THEIR POWERS AND DUTIES.

Appointment of  
analysts and  
officers.

3. (i) The Chief Secretary to Government may from time to time appoint a sufficient number of analysts and of officers under this Enactment and make rules for the conduct of their duties.

(ii) The analysts and officers appointed under this Enactment shall be deemed to be public servants within the meaning of the Penal Code.

Power of  
officers to  
enter, etc.

4. (i) Any officer may

- (a) at all reasonable times enter into and inspect any place where there is any food or drug which he has reasonable ground for believing to be intended for sale ;
- (b) mark, seal, or otherwise secure, weigh, count, or measure any food or drug the sale, preparation, or manufacture of which is or appears to be contrary to the provisions of this Enactment ;
- (c) seize any food or drug, wherever found, which is or appears to be unwholesome or deleterious to health ;
- (d) destroy any food or drug, wherever found, which is decayed or putrified ;
- (e) inspect any food or drug, wherever found, which he has reasonable ground for believing to be intended for sale.

(ii) Any person claiming anything seized under this section may within forty-eight hours after such seizure complain thereof to the Court of a Magistrate and such complaint may be heard and determined by such Court which may either confirm or disallow such seizure wholly or in part and may order the article seized to be restored.

(iii) If within forty-eight hours after such seizure no complaint has been made or if such seizure is confirmed, the article seized shall become the property of the Government and shall be destroyed or otherwise disposed of so as to prevent its being used for human consumption.

(iv) The period of forty-eight hours prescribed by sub-sections (ii) and (iii) may be enlarged by the Chief Secretary to Government by rule under this Enactment applicable to such districts or places as may be specified in the rule.

(v) Where the seizure of any food or drug is made in any place which is not in the occupation of the owner of the thing seized, the officer making the seizure shall forthwith give notice in writing of the seizure to the owner or to the consignor or consignee or to the agent of the owner of the thing seized if his name and address

are attached thereto or are otherwise known to the officer and such address is within the Federated Malay States.

5. (i) On payment or tender to any person selling or making any food or drug or to his agent or servant of the current market value of the samples in this section referred to, any officer may at any place demand and select and take or obtain samples of the said food or drug for the purpose of analysis.

Power to demand, select, and take samples.

(ii) Any such officer may require the said person or his agent or servant to shew and permit the inspection of the package in which such food or drug is at the time kept and to take therefrom the samples demanded.

(iii) Where any food or drug is kept for retail sale in an unopened package, no person shall be required by any officer to sell less than the whole of the contents of such package.

(iv) Every person commits an offence who refuses or neglects to comply with any demand or requisition made by an officer in pursuance of this section unless he proves that he had no knowledge or reason to believe that the sample demanded was required for the purpose of analysis.

6. Any person may, on payment of the prescribed fee together with the cost of the sample, require any officer to purchase a sample of any food or drug and submit the same for analysis.

Any person may have sample analysed.

7. (i) Where it is intended to submit any sample for analysis, the officer purchasing or otherwise procuring it shall, before or forthwith after procuring it, inform the seller or his agent selling the article that he intends to have the same analysed by an analyst.

Samples how taken.

(ii) He shall thereupon divide the sample into three parts and shall mark and seal or fasten up, in such manner as its nature will permit, each such part and shall offer one of such parts to the seller or his agent.

(iii) He shall subsequently deliver, either personally or by registered letter, another of such parts to an analyst and shall retain the third of such parts.

8. (i) The certificate of the analyst shall be in the form prescribed by rules made under this Enactment.

Certificate of analyst.

(ii) Where any method of analysis, chemical or physical, has been prescribed by rules made under this Enactment for the analysis of any food or drug, any analyst either for the prosecution or defence shall follow and shall in his certificate of analysis declare that he has followed the prescribed method in his analysis.

(iii) A copy of the result of any analysis of any food or drug procured by an officer may be obtained from the analyst by the person from whom the article so analysed was purchased or obtained on payment of such fee, not exceeding one dollar, as may be prescribed.

(iv) No such copy of an analysis shall be used as an advertisement and if any person so uses it he commits an offence.

Power to  
call for  
information.

9. (i) If in the opinion of the Principal Medical Officer, Federated Malay States, or of any officer authorized by the said Principal Medical Officer in writing to exercise the discretion and powers vested by this section in the said Principal Medical Officer, there is reasonable ground for suspecting that any person is in possession of any food or drug or other substance for the purpose of sale or of manufacturing or preparing the same for sale in breach of this Enactment, he may require such person to produce for his inspection or to produce to any specially authorized officer any books or documents dealing with the reception, possession, purchase, sale, or delivery of any such food or drug or other substance.

(ii) The Principal Medical Officer, Federated Malay States, or any officer authorized by him as in sub-section (i) provided may make or cause to be made copies of or extracts from any such books or documents, and such copies or extracts certified as such by any specially authorized officer shall, unless the contrary is proved, be deemed to be true and correct copies or extracts.

(iii) Every person who refuses or neglects to comply with any requisition made in pursuance of this section commits an offence.

(iv) Every officer who does not maintain the secrecy of all matters which come to his knowledge in the performance of his official duties under this section or who communicates any such matter to any person whomsoever except for the purpose of carrying into effect the provisions of this Enactment is liable to a fine not exceeding five hundred dollars.

#### OFFENCES AND PENALTIES, ETC.

Offences.

10. (i) Every person commits an offence who sells any adulterated food or adulterated drug without fully informing the purchaser at the time of the sale of the nature of the adulteration, unless the package in which it is sold has conspicuously printed thereon a true description of the composition of such food or drug.

(ii) Every person commits an offence who sells any food or drug in any package which bears or has attached thereto any false or misleading statement, word, brand, label, or mark purporting to indicate the nature, quality, strength, purity, composition, weight, origin, age, or proportion of the article contained in the package or of any ingredient thereof.

(iii) Every person commits an offence who sells any food or drug containing any substance the addition of which is prohibited by rules made under this Enactment.

(iv) Every person commits an offence who sells any food or drug containing a greater proportion of any substance than is permitted by rules made under this Enactment.

(v) Every person commits an offence who sells any food which contains methylated alcohol.

(vi) Every person commits an offence who sells any food which is unsound or unfit for human consumption.

(vii) Every person who commits any offence mentioned in this section shall for the first offence be liable to a fine not exceeding five hundred dollars and for any subsequent offence under this section, whether of the same or a different nature, to a fine not exceeding two thousand dollars :

Provided that if any such offence is wilfully committed the offender shall be liable to a fine not exceeding two thousand dollars or to three months' imprisonment of either description although it may be a first offence.

(viii) The provisions of sub-section (i) are subject to such exceptions as are prescribed by rules made under this Enactment.

11. Every person who without authority opens, alters, breaks, reserves, or erases any mark, fastening, or seal placed by any officer in pursuance of the provisions of this Enactment upon any food or drug or upon any package, place, door, or opening containing or affording access to any food or drug commits an offence and shall be liable to a fine not exceeding two hundred and fifty dollars.

Interference with official marks.

12. Every person who commits an offence against this Enactment for which no penalty is otherwise expressly provided is liable to a fine not exceeding two hundred dollars.

General penalty.

13. (i) In the case of any conviction under this Enactment the Magistrate may order that any food or drug to which the conviction relates and any similar food or drug found on the defendant's premises or in his possession at the time of the commission of the offence, together with all packages or vessels containing the same, shall be forfeited to the Government.

Forfeiture of food or drugs upon conviction.

(ii) Everything so forfeited to the Government shall be disposed of as the Chief Secretary to Government directs.

14. A notification of the name and occupation of any person who has been convicted of any offence against this Enactment together with his place or places of business, the nature of the offence and the fine, forfeiture, or other penalty inflicted shall, if the Magistrate so orders, be published in any newspaper circulating in the Federated Malay States or in any part thereof.

Notification of conviction in newspapers.

## PRESUMPTIONS OF LAW.

15. For the purposes of this Enactment any food or drug shall be deemed to be adulterated if

Adulteration.

(a) it contains or is mixed or diluted with any substance which diminishes in any manner its nutritive or other beneficial properties as compared with such article in a pure and normal state and in an undeteriorated and sound condition or which in any other manner operates or may operate to the prejudice or disadvantage of the purchaser or consumer ;

(b) any substance or ingredient has been extracted or omitted therefrom and by reason of such extraction or omission the nutritive or other beneficial properties of the article

as sold are less than those of the article in its pure and normal state or the purchaser or consumer is or may be in any manner prejudiced ;

(c) it contains or is mixed or diluted with any substance of lower commercial value than such article in a pure and normal state and in an undeteriorated and sound condition ;

(d) it does not comply with the standard therefor prescribed by any rules made under this Enactment.

Liability of  
importer or  
manufacturer.

**16.** Where food in connection with which there is a breach of any provisions of this Enactment is sold in an unopened package, any person who appears from any statement thereon or attached thereto to have imported or manufactured or prepared such food or to have enclosed it in such package shall, unless he proves the contrary, be deemed to have so imported, manufactured, prepared, or enclosed the same and shall be liable to the same fine as if he had actually sold the same.

Sale by agent  
or servant.

**17.** For the purposes of this Enactment every person shall be deemed to sell any food or drug who sells the same either on his own account or as the agent or servant of any other person, and in the case of any sale by an agent or servant his principal or employer shall be under the same liability as if he had effected the sale personally.

Presumptions  
as to sale for  
human con-  
sumption or  
use.

**18.** (i) When any food or drug is sold or exposed or offered for sale, it shall, unless the contrary is proved, be deemed to be sold or exposed or offered for sale for human consumption or use.

(ii) The purchase and sale of a sample of any food or drug under the provisions of this Enactment for the purpose of analysis shall be deemed to be a purchase and sale of such food or drug for human consumption or use unless the seller proves that the bulk from which such sample was taken was not offered, exposed, or intended for sale for human consumption or use.

(iii) For the purposes of this Enactment every person shall be deemed to sell or to intend to sell any food or drug if he sells or intends to sell for human consumption or use any article of which such food or drug is a constituent.

#### LEGAL PROCEEDINGS AND EVIDENCE, ETC.

Proceedings for  
offences.

**19.** (i) All proceedings in respect of an offence against this Enactment shall be taken in a summary manner before the Court of a Magistrate.

(ii) The summons in any such proceedings shall not be made returnable in less than fourteen days from the day on which it is served.

(iii) There shall be served with the summons a copy of the analyst's certificate (if any) on which the prosecution is based.

No defence  
that offence  
not wilfully  
committed.

**20.** In a prosecution for selling any food or drug contrary to the provisions of this Enactment or of any rules made thereunder it shall be no defence that the defendant did not act wilfully unless



he also proves that he took all reasonable steps to ascertain that the sale of the article would not constitute an offence against this Enactment or against any rule made thereunder.

21. (i) Subject to the provisions hereinafter in this section contained it shall be a good defence in any prosecution for an offence under Section 10 if the defendant proves that he purchased the article sold by him in reliance on a written warranty or other written statement as to the nature of the articles purchased signed by or on behalf of the person from whom the defendant purchased the same and that, if the article had truly conformed to such warranty or statement, the sale of the article by the defendant would not have constituted the offence charged against him.

Reliance on written warranty a good defence.

(ii) No warranty or other written statement given or made by a person resident outside the Federated Malay States shall be any defence under this section unless the defendant proves that he had taken reasonable steps to ascertain and did in fact believe in the truth of the matters set forth in such warranty or statement.

(iii) No warranty or other written statement shall be any defence under this section if it is proved that the defendant knew or had reason to suspect that the article sold did not conform to such warranty or statement.

(iv) No warranty or other written statement shall be any defence in any prosecution unless the defendant has within seven days after service of the summons delivered to the prosecutor a copy of such warranty or statement with a written notice stating that he intends to rely thereon and specifying the name and address of the person from whom he received it and has also within the same time sent by registered post a like notice of his intention to such person.

(v) When the defendant is a servant or agent of the person who purchased the article under such a warranty or written statement, he shall be entitled to the benefit of this section in the same manner and to the same extent as his employer or principal would have been if he had been the defendant, unless it is proved that the servant or agent knew or had reason to suspect that the article did not conform to the warranty or statement.

22. (i) A certificate of analysis purporting to be under the hand of an analyst shall, on production thereof by the prosecutor, be sufficient evidence of the facts stated therein unless the defendant requires that the analyst be called as a witness, in which case he shall give notice thereof to the prosecutor not less than three clear days before the day on which the summons is returnable.

Analyst's certificate to be *prima facie* evidence.

(ii) In like manner a certificate of analysis purporting to be under the hand of an analyst shall, on production thereof by the defendant, be sufficient evidence of the facts stated therein unless the prosecutor requires that the analyst be called as a witness.

(iii) A copy of such last-mentioned certificate shall be sent to the prosecutor at least three clear days before the day fixed for the hearing of the summons, and if it is not so sent the Court may adjourn the hearing on such terms as it may think proper.

Court may  
order inde-  
pendent  
analysis.

**23.** When a sample has been dealt with in accordance with Section 7, the Court before which any proceedings for an offence against this Enactment are had shall on the request of either party to such proceedings and may if it thinks fit without such request order that the part of the sample retained by the officer be submitted to another analyst for analysis.

Non-disclosure  
of information.

**24.** No prosecutor or witness in any prosecution under this Enactment shall be compelled to disclose the fact that he received any information or the nature of such information or the name of any person who gave such information ; and no officer appearing as a prosecutor or witness shall be compelled to produce any confidential reports or documents made or received by him in his official capacity to make any statement in relation thereto.

Recovery of fees  
and other  
expenses  
incident to  
prosecution.

**25.** (i) Where any person is convicted of an offence under this Enactment, the Magistrate may order that all fees and other expenses incident to the analysis of any food or drug in respect of which the conviction is obtained (including an analysis made under Section 23) shall be paid by the person convicted.

(ii) All such fees and expenses shall be recoverable in the same manner as a fine is recoverable.

Appeal.

**26.** Any person aggrieved by any sentence or order under this Enactment passed or made by the Court of a Magistrate may appeal therefrom to the Supreme Court.

#### RULES AND SUPPLEMENTAL PROVISIONS.

Power to make  
rules.

**27.** (i) The Chief Secretary to Government may make rules for any of the following purposes :

- (a) to prescribe the standard of strength, weight, quality, or quantity of any food or drug or of any ingredient or component part thereof ;
- (b) to prohibit the addition of any specified thing or of more than the specified quantity or proportion thereof to any food or drug ;
- (c) to prohibit any modes of manufacture, preparation, or preservation of any food or drug ;
- (d) to secure the cleanliness and freedom from contamination of any food or drug in the course of its manufacture, preparation, storage, packing, carriage, delivery, or exposure for sale and securing the cleanliness of places, receptacles, appliances, and vehicles used in such manufacture, preparation, storage, packing, carriage, or delivery ;
- (e) to prescribe the mode of labelling food or drugs sold in packages and the matter to be contained or not to be contained in such labels ;
- (f) to prescribe the method of analysis of any food or drug and the form of certificate of analysis ;
- (g) to fix the fees to be paid in respect of the analysis of any food or drug by an analyst ;

- (h) to prohibit the sale of specified articles of food otherwise than by weight ;
  - (i) to prescribe the fines not exceeding five hundred dollars for the breach of any rule ; and
  - (j) generally for carrying out the purposes of this Enactment.
- (ii) Any such rule may be made applicable either to foods or drugs generally or to specified foods or drugs only.
- (iii) All rules made by the Chief Secretary to Government under this Enactment shall be published in the *Gazette* provided that, except in the case of rules made under Section 3, no such rules shall come into force until a period of ten days shall have elapsed after the publication thereof in the *Gazette*.
- (iv) Any rule made as provided in this section shall have the same force and effect as if it had been enacted in this Enactment.
- (v) Notwithstanding anything contained in any rule made under this section it shall be lawful for any person at any time within twelve months after the date of the publication in the *Gazette* of such rule to sell any food or drug the sale of which is otherwise lawful if he proves that at the said date such food or drug was part of the existing stock-in-trade in the Federated Malay States of any person carrying on business there and that since the said date no act has been done whereby the said food or drug fails to conform to the requirements of the said rule. For the purpose of this sub-section any goods purchased before the said date for importation into the Federated Malay States shall be deemed to be part of the purchaser's stock-in-trade in the Federated Malay States.

28. The provisions of this Enactment, so far as they are applicable, shall extend and apply to tobacco, cigars, and cigarettes in like manner as the said provisions apply to drugs.

Tobacco,  
cigars, and  
cigarettes.

## ENACTMENT NO. 10 OF 1913.

### An Enactment for the Suppression of Betting Houses and of Betting in Public Places.

ARTHUR YOUNG,  
*President of the Federal Council.*

[30th July, 1913.  
31st July, 1913.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and  
commence-  
ment.

1. This Enactment may be cited as “ The Betting Enactment, 1913,” and shall come into force upon the publication thereof in the *Gazette*.

Interpretation.

2. (i) In this Enactment unless the context otherwise requires—

“ Common betting house ” means any place kept or used for betting or wagering on any event or contingency of or relating to any horse race or other race, fight, game, sport, or exercise to which the public or any class of the public has or may have access and any place kept or used for habitual betting or wagering on any such event or contingency as aforesaid, whether the public has or may have access thereto or not ;

“ Place ” means any house, office, room, or building and any place or spot, whether open or enclosed, and includes a ship, boat, or other vessel, whether afloat or not, and any vehicle ;

A place shall be deemed to be “ used ” for a purpose if it is used for that purpose even on one occasion only ;

Every person who demises or lets on hire a place shall be deemed the “ owner ” thereof ;

“ Senior Police Officer ” means any police officer not below the rank of Assistant Commissioner and includes in any State any police officer specially authorized by the Resident of such State by notification in the *Gazette* to exercise the powers of a Senior Police Officer under this Enactment.

Nuisance.

(ii) Every common betting house is hereby declared to be a common nuisance and contrary to law.

Offences relating to common betting houses.

3. Whoever—

(a) being the owner or occupier or having the use temporarily or otherwise thereof keeps or uses a place as a common betting house ; or

(b) permits a place of which he is the owner or occupier or of which he has the use temporarily or otherwise to be kept or used as a common betting house ; or

(c) has the care or management of or in any manner assists in the management or in the business of a place kept or used as a common betting house ; or

(d) receives directly or indirectly any money or valuable thing for or in respect of any bet or wager on any such event or contingency as is mentioned in this Enactment in a common betting house ; or

(e) announces, exhibits or publishes or causes to be announced, exhibited, or published either orally or by means of any letter, circular, telegram, placard, hand-bill, card, print, writing, design, sign, advertisement, or otherwise that a place is opened, kept, or used as a common betting house within or without the Federated Malay States or in any other manner invites or solicits any person to commit a breach of any of the provisions of this Enactment

shall be liable to a fine not exceeding three thousand dollars or imprisonment of either description for a term not exceeding twelve months.

4. Whoever advances or furnishes money for the purpose of establishing or conducting the business of a common betting house shall be liable to a fine not exceeding three thousand dollars or imprisonment of either description for a term not exceeding twelve months.

Advancing  
moneys for  
conducting.

5. (i) Whoever bets or wagers in a common betting house shall be liable to a fine not exceeding twenty-five dollars.

Betting in a  
common betting  
house.

(ii) A person found in a common betting house or found escaping from a common betting house on the occasion of its being entered under this Enactment shall be presumed until the contrary be proved to be or to have been betting or wagering therein.

Presumption.

6. Any money or valuable thing received by any person referred to in Section 3 as a deposit on any bet or wager shall be deemed to have been received to or for the use of the person from whom the same was received and such money or valuable thing or the value thereof may be recovered accordingly with full costs of suit in any Court of competent jurisdiction.

Money paid  
recoverable.

7. (i) A Magistrate or Senior Police Officer on being satisfied upon written information on oath and after any enquiry which he may think necessary that there is good reason to believe that any place is kept or used as a common betting house may by warrant authorize any person therein named or any police officer with such assistance and by such force as may be necessary by night or by day to enter or go to such place and to search the same and all persons found therein and to seize all books, documents, telegrams, writings, circulars, cards, and other articles used as a subject or means of betting or wagering or in connection therewith and all money and securities for money which may be found in such place or on any such persons and also to detain all such persons until they and the said place shall have been searched. If any of the things or circumstances which are by this Enactment made presumptive evidence of guilt are found in such place or on any person therein, every person therein shall be arrested and taken before a Magistrate to be dealt with according to law.

Search warrant.

(ii) All books, documents, telegrams, writings, circulars, cards, and other articles used as a subject or means of betting or wagering

or in connection therewith and all money and securities for money found in a common betting house or on any persons found therein or escaping therefrom which the Magistrate is of opinion were used or intended to be used for betting or wagering shall be declared by him to be forfeited to the Government and shall be dealt with accordingly.

Entry and  
search by  
Magistrate or  
Senior Police  
Officer.

8. A Magistrate or Senior Police Officer may himself do what he may under Section 7 authorize a police officer to do whenever such Magistrate or Senior Police Officer is competent to issue a warrant under the said section and also in any of the following cases—that is to say,

- (a) if any person has within the preceding six months been convicted of having kept or used as a common betting house the place proposed to be entered ; or
- (b) if the place proposed to be entered is a common betting house carried on under the guise of a club or society ; or
- (c) if he has personal knowledge of such facts and circumstances as satisfy him that there are sufficient grounds for a search under the said section : or
- (d) if he receives the required information orally and either on oath or not on oath under such circumstances that the object of the search would, in his opinion, be defeated by the delay necessary for reducing the information to writing : provided that in this last case the name and address of the person giving such information are known to or ascertained by such Magistrate or Senior Police Officer before he acts upon such information.

Presumption  
against house  
and occupier.

9. If any books, documents, telegrams, writings, circulars, cards, or other articles used as a subject or means of betting or wagering or in connection therewith are found in any place entered under this Enactment or upon any person found therein or if persons are seen or heard to escape therefrom on the approach or entry of a Magistrate or Senior Police Officer or if a police officer or any person having authority under this Enactment to enter or go to such place is unlawfully prevented from or obstructed or delayed in entering or approaching the same or any part thereof, it shall be presumed until the contrary be proved that the place is a common betting house and that the same is so kept or used by the occupier thereof.

Betting in  
public place.

10. (i) Any person frequenting or loitering in any street, roadway, highway, lane, arcade, footway, square, court, alley, or passage, whether a thoroughfare or not, or in any public park or garden or any open and public space to which the public has access or in any place licensed as a public-house or hotel on behalf either of himself or of any other person for the purpose of book-making or betting or wagering or settling bets shall

- (a) in the case of a first offence be liable to a fine not exceeding one hundred dollars ;
- (b) in the case of a second offence be liable to a fine not exceeding two hundred dollars ;
- (c) in the case of a third or subsequent offence or in any case where it is proved that the person whilst committing the offence had any betting transactions with a person

under the age of sixteen years be liable to a fine not exceeding five hundred dollars or to imprisonment of either description for a term not exceeding six months without the option of a fine ;

and shall in any case be liable to the forfeiture of all books, cards, papers and other articles relating to betting which may be found in his possession.

(ii) Any police officer may arrest without warrant any person found committing an offence punishable under this section and may seize and detain any articles liable to be forfeited.

11. (i) Whenever two or more persons shall be charged with an offence against this Enactment the Magistrate may require one or more of them to give evidence as witness or witnesses for the prosecution. Any such person who refuses to be sworn or to answer any lawful question shall be dealt with in the same way as witnesses so refusing may by law be dealt with by a Magistrate.

Offenders as witnesses for prosecution.

(ii) Every person so required to give evidence who shall, in the opinion of the Magistrate, make true and full discovery of all things as to which he is lawfully examined shall be entitled to receive a certificate under the hand of the Magistrate stating that he has, in the opinion of the Magistrate, made a true and full discovery of all things as to which he was examined and such certificate shall be a bar to all legal proceedings against him in respect of such things as aforesaid.

12. If a person who has been convicted of an offence under this Enactment is again convicted of the same or any other offence under this Enactment the Magistrate may, in addition to the punishment provided for such offence, make an order requiring him to give security by bond with one or more sureties that he will not offend against this Enactment for such period not exceeding one year as the Magistrate thinks fit to fix and every such order shall be made as nearly as may be in the same manner and shall have the like effect and consequences as if the same were an order to give security for good behaviour under Section 74 of the Criminal Procedure Code.

Binding over on second conviction.

13. (i) All offences against this Enactment shall be tried summarily by a Magistrate.

Trial.

(ii) Any punishment authorized by this Enactment may be imposed by the Court of a Magistrate of the First Class, notwithstanding that the same be in excess of the punishment which such Court is ordinarily empowered to impose.

14. Nothing in this Enactment shall extend to any person receiving or holding any money or valuable thing by way of stakes or deposit to be paid to the winner of any race or lawful sport, game, or exercise or to the owner of any horse engaged in a race.

Stakes.

15. The Chief Secretary to Government may by notification in the *Gazette* either generally or in particular cases exempt from the provisions of this Enactment the members and officers of any racing club or association in respect of any totalizator or pari-mutuel promoted by it solely for its members.

Power to exempt.

## ENACTMENT NO. 11 OF 1913.

As amended by Fed. E. 6 of 1916 and 30 of 1919.

An Enactment to make better provision for a Guarantee Fund with regard to Securities to be furnished by Public Officers.

ARTHUR YOUNG,

*President of the Federal Council.*

[30th July, 1913.

1st October, 1913.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title,  
commencement,  
and repeal.

1. (i) This Enactment may be cited as “The Public Officers’ Guarantee Fund Enactment, 1913,” and shall come into force upon such date as shall be appointed by the Chief Secretary to Government by notification in the *Gazette*.

(ii) On the coming into force of this Enactment the Enactments mentioned in the first schedule shall be repealed to the extent specified in the fourth column thereof: provided that such repeal shall not affect the validity of any security furnished under any Enactment hereby repealed but such security shall, so far as is consistent with the provisions of this Enactment, be deemed to have been furnished under this Enactment.

Interpretation.

2. In this Enactment unless the context otherwise requires—

“The Fund” means the Public Officers’ Guarantee Fund referred to in Section 3.

“The Directors” means the Directors of the Fund appointed under this Enactment.

“Chief Secretary” means the Chief Secretary to Government, Federated Malay States.

“Auditor-General” means the Auditor-General of the Federated Malay States.

“Treasurer” means the Treasurer of the Federated Malay States.

“Officer” means any person holding an office by whatever tenure in the public service who is required to give security for the due and faithful discharge of his duties.

### THE FUND.

The Fund.

3. All assets and liabilities, ascertained or otherwise, of the Government Officers’ Guarantee Fund established under the Enactments hereby repealed or any of them shall, on the commencement of this Enactment, become assets and liabilities of a Fund to be maintained and administered under the provisions of this Enactment for the purpose of giving security for the due and faithful discharge of their duties by officers required to give security.



The said Fund shall be called "The Public Officers' Guarantee Fund" and shall consist of the said assets and of the contributions directed by this Enactment to be made and of interest upon the said assets and contributions.

#### ADMINISTRATION OF FUND.

4. The Fund shall be administered by a Board of not less than three nor more than five persons holding office in the public service to be appointed by the Chief Secretary, and any three persons so appointed shall be a quorum.

Administration of Fund.

Such persons shall respectively hold office during the Chief Secretary's pleasure and shall be styled "The Directors of the Public Officers' Guarantee Fund."

5. The Treasurer shall collect all sums accruing due to the Fund and shall deduct from the salary of each officer the amount due to the Fund by such officer.

Collection of contributions.

6. The Directors may from time to time invest the moneys of the Fund in Imperial or Colonial Government bonds, or other securities approved by the Chief Secretary.

Investment of moneys of Fund.

7. No moneys of the Fund shall be appropriated or drawn out except on a cheque or order signed by not less than two of the Directors.

Dealings with Fund.

8. The Directors shall prepare annually on or before the 30th day of April of each year for the information of the Chief Secretary a report and statement showing the financial position of the Fund for the year ended the 31st day of December preceding, which shall be published in the *Gazette*.

Annual report and statement.

9. The accounts of the Fund shall be audited in January and July of each year by the Auditor-General, to whom the Directors shall submit all such documents relating to the accounts of the Fund and supply all such information connected therewith as he may require.

Audit of accounts.

10. The Directors may employ such clerical assistance as may be necessary, and the expenses thereby incurred and all other working expenses shall be a first charge on the Fund. Such expenses shall not exceed twelve hundred dollars in any one year or ten per centum of the income of the Fund in any one year, whichever amount shall be the higher.

Clerical assistance and other expenses.

#### GIVING SECURITY.

11. Every person appointed or promoted after the commencement of this Enactment to a permanent or acting office in the public service who may be required by the Chief Secretary or by the Resident of the State in which such person is serving or by any written law or any rule or regulation to furnish security for the due and faithful discharge of his duties shall furnish such security under this Enactment :

Security to be furnished under Enactment.

Provided that any officer who may prefer to give security by the deposit of money in any bank approved by the Chief Secretary shall be exempt from contribution under the provisions of this Enactment if security is thus furnished within seven days of his assuming the duties of an office in respect of which security is required. Money deposited in a bank as security under the provisions of this section shall be deposited in the name of the Treasurer :

Provided further that the Chief Secretary may exclude any office or class of offices from the operation of this Enactment, and in such case it shall be incumbent on the holders of such office or class of offices to give security otherwise than under the provisions of this Enactment.

Officers appointed before Enactment may give security thereunder.

**12.** (i) Any officer appointed to any office in the public service before the commencement of this Enactment who is required to give security for the due and faithful discharge of his duties may, if he so desires, give such security by contributing to the Fund.

(ii) When any officer has before the commencement of this Enactment furnished security by a bond entered into by a surety or sureties duly approved under existing regulations, it shall not be necessary for him to find another surety or other sureties unless such security shall be voided or rendered incomplete or insufficient in the opinion of the Chief Secretary through the death, departure from the Federated Malay States, or resignation of any of his sureties or by any other cause :

Provided that when any security furnished by any officer appointed to the public service before the commencement of this Enactment shall be voided or rendered incomplete or insufficient as aforesaid, the officer who has furnished such security shall give security in the manner described in Section 11 :

Provided further that the fund shall be in no way liable to make good any amount payable in respect of any act or default of any officer contributing to the Fund under this section done or made before the first day in respect of which such officer makes a payment to the Fund.

Officer holding more offices than one.

**13.** Any officer who is performing at one and the same time duties of more than one office in respect of which security is required shall give security and contribute in respect of every such office from which he derives additional emolument.

Personal bond to be furnished.

**14.** (i) Every officer giving security under this Enactment shall furnish a personal bond in the form in the second schedule.

(ii) Such bond shall be furnished within seven days from the date on which such officer enters upon the duties of the office in respect of which security is required.

(iii) No stamp duty shall be charged on a bond furnished under this Enactment.

### CONTRIBUTIONS TO FUND.

Entrance fee.

**15.** Every person on first contributing to the Fund shall pay an entrance fee of one-half per centum of the amount of the security

then required from him. Provided that in no case shall the total amount paid by any person by way of entrance fee exceed the sum of five dollars or be less than one dollar.

E. 6 of 1916.

16. (i) Every person who, whether permanently, provisionally, or temporarily, is appointed to perform and performs the duties of an office in the public service in respect of which security is required shall pay every year into the Fund an amount equal to *one-half* of one per centum of the amount for which security is required.

Contributions  
by officers.

E. 30 of 1919.

(ii) When such appointment and performance do not coincide with the commencement of a year, the payment to be made on appointment shall bear the same proportion to *one-half* of one per centum of the amount for which security is required as the period from the date of such appointment to the 31st day of December next ensuing bears to a year.

E. 30 of 1919.

(iii) When the sum standing to the credit of an Officer's Personal Account is not less than four and a half per centum of the amount for which he is required to find security, his annual contribution shall be an amount equal to one-tenth part of one per centum of the amount for which security is required to be given by such officer; unless the Directors consider that the state of the Fund *justifies the suspension of contributions in such cases* or requires that all officers should contribute *at the full rate*. In such case the Directors may, with the approval of the Chief Secretary, *suspend contribution* or require the full contribution to be continued or resumed, as the case may be.

E. 30 of 1919.

*Any suspension of contribution under this sub-section may be terminated by the Directors with the approval of the Chief Secretary.*

(iv) Whenever the Directors on preparing their annual report and statement in accordance with Section 8 consider that in view of the financial condition of the Fund the rates at the time in force under sub-sections (i) and (iii) may properly be reduced or ought to be raised, they shall notify the Chief Secretary to that effect in their report and shall declare the rates which they recommend to be prescribed in substitution therefor, and such rates shall, on being approved by the Chief Secretary and published in the *Gazette*, be substituted for the rates at the time in force; provided that the rates shall at no time exceed those specified in sub-sections (i) and (iii).

17. Every officer so appointed shall pay each year in advance the total amount of the contributions due by him in respect of that year:

Mode of paying  
contributions.

Provided that in case an officer ceases to perform the duties of such office a refund shall be made of such portion of the contribution paid in advance as is proportionate to the period of the year during which he has not held such office and in respect of which he has given security.

18. Save as regards the personal bond referred to in Section 14, every officer contributing to the Fund shall be relieved from all further liability to give security for the due and faithful discharge of his duties.

Effect of  
contributing  
to Fund.

## DEFAULTING OFFICER.

Officer in  
default.

19. (i) Where any officer is found to be in default by not duly accounting or by not duly delivering to the officer or other person authorized or entitled to receive the same all property which ought to be so accounted for or delivered or otherwise, the amount due by the officer in default shall be certified by the Auditor-General and the amount so certified shall be deemed to be due from the Fund on account of such officer's default subject to appeal as hereinafter provided by the officer alleged to be in default or by the Directors of the Fund :

Provided that notification of the Auditor-General's certificate shall be given to the Directors of the Fund and, when practicable, to the officer alleged to be in default and that the appeal shall be made within a month of the receipt of such notification by the officers concerned.

(ii) If the salary of the officer found to be in default is payable from the funds of one of the Federated Malay States and does not exceed £600 or \$3,000 per annum, such appeal shall lie to the Resident of such State with two Assessors, of whom one shall be a Judicial Commissioner and the other shall be an officer to be nominated by the Chief Secretary ; and if the salary of the officer found to be in default is payable from the funds of one of the Federated Malay States and exceeds £600 or \$3,000 per annum or is payable from federal funds, such appeal shall lie to the Chief Secretary with two Assessors, of whom one shall be a Judicial Commissioner and the other shall be the Resident of the State in which such officer resides.

Payment  
of amount  
certified to  
be due.

20. On application made by the Treasurer and subject to any decision in an appeal under Section 19, the Directors, if there are sufficient moneys at the credit of the Fund to enable them to do so, shall pay to the Treasurer from the Fund the amount certified as above to be due from the officer in default unless the amount so certified exceeds the amount for which such officer was required to give security, in which case the Directors shall pay an amount equal to the amount for which security was required from such officer.

Proceedings  
against officer  
in default.

21. Notwithstanding anything in this Enactment contained and subject to any decision in an appeal under Section 19, it shall be lawful for the Government or the Directors to recover from the officer in default or from his personal representatives by civil action any amount which may be certified as herein provided to be due by him.

Recovery of  
amounts from  
officer in  
default.

22. (i) Where the whole or any part of the amount due by such officer is recovered the same shall, after the necessary expenses of recovery, if any, have been deducted, be repaid to the credit of the accounts of the Fund charged in the first instance, to the extent of or in proportion to the amounts so charged.

(ii) Where the Treasurer has not received from the Fund the whole amount due but a part only and the Government proceeds against any officer in default and recovers the whole amount or any portion thereof, there shall be repaid to the Fund any amount

which may remain after the necessary expenses of recovery, if any, have been deducted and after deducting from the amounts received from both sources the amount due by the officer in default.

(iii) All moneys so paid into the Fund shall be placed to the credit of the accounts of the Fund charged in the first instance, to the extent of or in proportion to the amounts so charged.

**23.** Whenever it is established to the satisfaction of the Chief Secretary that loss has resulted to the Government by reason of the act, default, or negligence of some two or more officers guaranteed under this Enactment but it is not possible to determine by which of the said officers such loss was caused or in what proportions the loss was caused by them, the Fund shall nevertheless be liable to make good the amount of the loss sustained if such amount is not more than the aggregate amount of the sums in respect of which each of the said officers has been guaranteed by the Fund, and if the loss is greater then to the extent of the sums aforesaid.

Fund liable for loss jointly caused by several officers in unknown degrees.

**24.** Whenever under the provisions of this Enactment the Fund shall have more than once made good losses on account of any individual officer, and the Chief Secretary has decided to maintain such officer in his office or to transfer him with or without reduction of salary to some other office for which security is required, it shall be lawful for the Directors to exclude such officer from the operation of this Enactment, and he shall then be required to furnish such security as the Chief Secretary shall determine, and no sums paid by such officer to the Fund shall be returned to him.

Exclusion from Fund.

### ACCOUNTS.

**25.** (i) There shall be three separate accounts kept of the contributions and moneys accruing to the Fund, to be called—

Separate accounts to be kept.

- (a) The "Income Account";
- (b) The "Officers' Personal Account";
- (c) The "Reserve Fund Account."

(ii) All moneys received on account of—

- (a) Entrance fees, and
- (b) Interest on investments

shall be placed to the credit of the Income Account.

(iii) All contributions from officers shall be placed to the credit of the Officers' Personal Account, each of such officers being credited in such account with the amount of his contributions.

(iv) An amount equal to one-tenth part of the contributions of all officers during the preceding twelve months shall as on the 31st day of December in each year be transferred from the Officers' Personal Account to the credit of the Reserve Fund Account, the account of each of such officers being debited accordingly.

**26.** Whenever the amount at the credit of the Income Account is in the opinion of the Directors reasonably sufficient to meet any claims likely to fall upon it, they may transfer all further receipts or any portion of them under the Income Account to the credit of the Reserve Fund Account.

Transfer from Income to Reserve Fund Account.

## PAYMENT OF CLAIMS ON FUND.

Charging of  
claims.

**27.** (i) All claims against the Fund shall be charged in the first instance against the Income Account.

(ii) If the moneys at the credit of the Income Account are not sufficient to pay the claims at any time made on the Fund, the Directors shall have recourse to the amounts then standing at the credit of the Officers' Personal Account for the payment of such claims, taking and writing off an equal percentage from the amount standing to the credit of each officer.

(iii) If the whole of such amount is not sufficient, then the Directors shall have recourse to the amount at the credit of the Reserve Fund Account as far as may be necessary for the payment of such claims.

Liability of  
Personal  
Account of  
officer in  
default.

**28.** (i) Where an officer is in default, the amount from time to time at the credit of his Personal Account shall to the extent of such default be transferred to the account out of which the amount of such default has been paid.

(ii) Where two or more officers are found to be in default under Section 23 but their respective responsibilities cannot be determined, every such officer shall for the purposes of this section be deemed to be jointly and severally liable in respect of an amount bearing the same proportion to the total amount of the loss as the salary of such officer bears to the aggregate salaries of the officers in default.

## RETURN OF CONTRIBUTIONS.

Return of  
portion of  
contributions.

**29.** Where an officer is appointed to an office outside the Malay States or the Colony or leaves the public service or ceases to hold an office in the public service in respect of which security is required to be given by him or dies, the amount appearing at his credit when the transfers prescribed by sub-section (iv) of section 25 are next made after the date of such appointment, leaving, cesser, or death shall be returned by the Directors to him or his representatives :

Provided that no payment shall be made under this section until the amount at the credit of the officer, after taking into account all transactions and after deducting the proper proportions of the ascertained liabilities of the Fund for the year, has been ascertained and settled :

Provided further that settlement of refunds of contributions shall remain in abeyance until the Reserve Fund shall amount to fifteen thousand dollars or, after it has reached such sum, until there is an amount in excess of such sum sufficient to meet the claims of refund put forward, or of one or more of them according to priority. Priority of settlement shall be determined by the dates of the respective causes giving rise to the claims for such refund.

Conditions of  
return of  
money.

**30.** No return of any money paid into the Fund shall be made to any person under the last preceding section or to his representatives unless and until the Auditor-General shall have certified that such person has duly accounted and is free from any liability to the Government, and no such return shall be made to any officer who has been dismissed from the service.

## MISCELLANEOUS.

31. After a period of five years from the 1st day of January, 1910, and quinquennially thereafter, the accounts of the Fund for the preceding period of five years shall be adjusted and the Directors shall report to the Chief Secretary as to the working of the Fund and as to its financial position and whether any re-adjustment of the rates of contribution is considered necessary. Such report shall be published in the *Gazette*.

Quinquennial  
report on  
working of  
Fund.

## FIRST SCHEDULE.

## ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak ..	10 of 1904	The Government Officers' Guarantee Fund Enactment, 1904	The whole
Selangor ..	12 of 1904	Do.	„
N. Sembilan	10 of 1904	Do.	„
Pahang ..	8 of 1904	Do.	„
Perak ..	4 of 1905	The Government Officers' Guarantee Fund Enactment, 1904, Amendment Enactment, 1905	„
Selangor ..	6 of 1905	Do.	„
N. Sembilan	5 of 1905	Do.	„
Pahang ..	5 of 1905	Do.	„
Perak ..	3 of 1906	The Government Officers' Guarantee Fund Enactment, 1906	„
Selangor ..	3 of 1906	The Government Officers' Guarantee Fund Enactment, 1904, Amendment Enactment, 1906	„
N. Sembilan	1 of 1906	The Government Officers' Guarantee Fund Enactment, 1906	„
Pahang ..	1 of 1906	The Government Officers' Guarantee Fund Enactment, 1904, Amendment Enactment, 1906	„
Perak ..	4 of 1907	The Government Officers' Guarantee Fund Enactment, 1904, Amendment Enactment, 1907	„
Selangor ..	2 of 1907	Do.	„
N. Sembilan	7 of 1907	Do.	„
Pahang ..	5 of 1907	Do.	„

## SECOND SCHEDULE.

## FORM OF PERSONAL BOND.

(Section 14.)

Know all men, by these presents, that I.....am held and firmly bound to the Chief Secretary to Government, in the sum of.....dollars, to be paid to the said Chief Secretary; for which payment to be well and truly made, I do hereby bind myself, my heirs, executors, and administrators and every of them, firmly by these presents sealed with my seal.

Dated this.....day of.....19..

WHEREAS the above bounden.....has duly been appointed to be.....

Now, the conditions of the above obligation are such that if the said.....as long as he shall hold either provisionally or permanently the above office or any other office or offices, employment or employments under the Government of the Federated Malay States or of any of them or under any Commission, Board, or Department connected with any of the said Governments, the holder of which office or employment is required to give security, shall in all things well and truly perform and execute his duties, functions, and trust, and from time to time and at all times make and render true and just accounts of all moneys and other property which may come to his hands by virtue of any such office or employment or otherwise on behalf of any such Government or any such Commission Board or Department as aforesaid, and shall well and truly pay over and deliver up the same, and shall in no way render himself guilty of any *mala fides* in the performance of his said duties, and shall honestly and faithfully demean and conduct himself in his office or charge—then the above obligation shall be null and void. Otherwise it shall remain in full force and virtue.

Signed in the presence of.....



## ENACTMENT NO. 13 OF 1913.

As amended by Fed. E. 24 of 1914 and 5 of 1920.

An Enactment to provide for the Protection of Trees, Plants, and Cultivated Products from Disease and Pests.

ARTHUR YOUNG,  
*President of the Federal Council.*

[30th July, 1913.  
1st August, 1913.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as “ The Agricultural Pests Enactment, 1913,” and shall come into force on the publication thereof in the *Gazette* : provided that sub-section (ii) of Section 13 shall not come into force until such date as the Chief Secretary may by notification in the *Gazette* prescribe in that behalf and that the operation thereof may from time to time thereafter be suspended by the Chief Secretary by such notification as aforesaid for such periods as he may think fit.

Short title,  
commencement,  
and repeal.

(ii) On the coming into force of this Enactment the Enactments mentioned in the schedule shall be repealed.

2. In this Enactment, unless the context otherwise requires, the following terms shall have the meanings hereby assigned to them respectively :

Interpretation.

(i) “ Chief Secretary ” means the Chief Secretary to Government, Federated Malay States ;

(ii) “ Director ” means the Director of Agriculture, Federated Malay States ;

(iii) “ Diseased ” means attacked by or affected with any pest ;

(iv) “ Inspecting Officer ” includes the Director and any officer appointed under Section 3 to be an Inspecting Officer under this Enactment and also any officer to whom an Inspecting Officer shall have delegated by writing under his hand the exercise or performance of any power or duty conferred or imposed by this Enactment on an Inspecting Officer, to the extent of the powers or duties so delegated ;

(v) “ Owner ” includes, with reference to any land, all persons registered in any land office or registry of titles as owners or lessees of such land, and “ Occupier ” includes, with reference to any land, all persons in actual occupation or charge thereof ;

(vi) “ Pest ” includes every insect, invertebrate animal, rodent, plant, and fungus which is destructive or injurious, or apt to be destructive or injurious, to cultivated plants ;

(vii) "Plant" means any tree, shrub, or vegetation, whether living or dead, and includes the stem, root, leaf, flower, or fruit and any product or part thereof whatsoever, whether severed or attached ;

(viii) "Red beetle" means the beetle designated *rhynchophorus ferrugineus* ; and "Rhinceros beetle" means the beetle desigblaed *oryctes rhinoceros*, commonly known also as the elephant or natek beetle and belonging to the group *Lamellicornia* ;

(ix) "Supervising Committee" means the committee referred to in Section 4.

Appointment of  
officers ;  
delegating  
power.

3. (i) The Chief Secretary may from time to time appoint by name or office and when appointed remove so many Inspecting Officers and other officers as he may consider necessary for carrying out the purposes of this Enactment. The appointment of Inspecting Officers shall be notified in the *Gazette*.

(ii) The Chief Secretary may also, if he shall think fit, limit the area within which such officers or any of them shall exercise the powers and perform the duties assigned to them by this Enactment or any rules thereunder.

(iii) With the previous written approval of the Director, which may be given generally or be restricted to specified cases, an Inspecting Officer may by writing under his hand delegate to any officer subordinate to him the exercise and performance of any powers or duties assigned to an Inspecting Officer by this Enactment or any rules thereunder, and such subordinate officer may thereupon exercise and perform the powers and duties so delegated.

(iv) All officers appointed under this section, and all officers to whom powers or duties shall have been delegated under this section when acting within the scope of the powers or duties so delegated, shall be deemed to be public servants within the meaning of the Penal Code.

Supervising  
Committee.

4. (i) For the purposes of this Enactment there shall be a Supervising Committee consisting of not less than three persons, of whom one shall be the Director and the others shall be nominated from time to time by the Chief Secretary ; of the persons to be so nominated not more than half shall be officers employed in the public service ; all nominations under this section shall be notified in the *Gazette*. The Director shall be Chairman of the said Committee.

(ii) Members of the Supervising Committee nominated by the Chief Secretary shall, unless expressly nominated for a shorter term, ordinarily retain their membership thereof for a period of five years, but shall be at liberty to resign their membership at any time and may at any time be removed from the Committee by the Chief Secretary by notification in the *Gazette*.

Entry,  
inspection,  
and removal.

5. (i) Every Inspecting Officer shall within the area, if any, limited by his appointment have power to enter at all reasonable times with or without assistants upon any land alienated for agricultural purposes or whereon any plants are or have been cultivated and to remain there so long as may be reasonably necessary for the purposes of this section and

(a) to inspect and examine such land and all plants thereon for the purpose of ascertaining whether any of such plants are diseased or whether such land or any plant thereon is in a condition favourable to the introduction or spread of any pest ; and

(b) to remove by cutting, digging, or otherwise such portions of any plant as he may think expedient to remove for purposes of examination or investigation.

(ii) The owner and occupier of such land shall permit every Inspecting Officer to have access thereto for the said purposes and shall supply to such officer all such information as may be requested by him and may be reasonably necessary for the said purposes.

6. (i) If on or as a result of any inspection or examination of land or plants by an Inspecting Officer it shall appear to such officer that any plant is diseased, such officer may by notice in writing under his hand, addressed to the owner or occupier of the land whereon such plant is, direct him to take within a time to be stated in the notice such measures, either by destruction of such plant or by treatment in a manner to be specified in the said notice of such plant or of any pest whereby such plant is attacked or wherewith it is affected, as may seem to the Inspecting Officer necessary or expedient for the eradication or the prevention of the spread of any pest.

Power to direct destruction or treatment of plants or pests or treatment of land.

(ii) If on or as a result of any inspection or examination of land or plants by an Inspecting Officer it shall appear to such officer that any land or plant is in a condition favourable to the introduction or spread of any pest, such officer may by notice in writing under his hand, addressed to the owner or occupier of the land whereon such condition exists, direct him to take within a time to be stated in the notice such measures as may in the said notice be specified for the treatment of such land or plant with a view to the bringing of the same into a condition not favourable to the introduction or spread of any pest.

7. If any owner or occupier of land on whom a notice under the provisions of Section 6 has been served is of opinion that any act or thing required by such notice to be performed or done is unreasonable or unnecessary, he may by an application in writing addressed to the Supervising Committee and despatched by registered post to or otherwise delivered at the office of the Director of Agriculture in Kuala Lumpur within seven days from the service of the said notice and setting forth the grounds on which such application is based apply to the said Committee for an order cancelling or varying the said notice and shall forthwith notify the Inspecting Officer by whom the said notice was signed that the said application has been made. The said Committee may on receipt of such application suspend the operation of the notice or make such other order in the premises as it may think just ; provided that if the notice in respect of which an application is made shall have been signed by a member of the Supervising Committee, such member shall take no part in the proceedings of the Committee upon such application ; provided further that, pending any order by the said Committee to the contrary, the said notice shall remain in force as if such application had not been made.

Application to Supervising Committee.

Enforcement of  
the action  
directed.

8. (i) If any owner or occupier of land on whom a notice under the provisions of Section 6 has been served shall fail to comply therewith within such time as may be stated in the notice for the performance of the acts thereby required to be done, the Inspecting Officer may, subject to any order made under Section 7 by the Supervising Committee, enter upon the land to which the notice refers and may cause to enter thereon such persons with such instruments and things as may be necessary and may proceed to perform and do thereon all acts and things required by the said notice to be performed or done, and the cost thereof shall be recoverable from the said owner or occupier by the Director, or any person authorized in that behalf by the Director, by civil suit.

(ii) Nothing in this section contained shall affect any liability of any person to prosecution and punishment under Section 9.

Penalty for  
wilful default.

9. If any owner or occupier of land on whom a notice under the provisions of Section 6 has been served shall wilfully neglect to comply therewith within the time therein stated, he shall be liable to a fine not exceeding five hundred dollars : provided that no person shall be punishable under this section for neglect to comply with any notice the operation of which shall have been suspended or cancelled by the Supervising Committee under the provisions of Section 7, and provided further that, where the said Committee has under the provisions of Section 7 made an order varying the terms of any such notice, the notice as so varied shall for the purposes of this section and of Section 8 be deemed to be the notice under the provisions of Section 6.

Power of con-  
victing Court to  
order action to  
be taken.

E. 5 of 1920.

9A. (i) *Upon the conviction of any person under Section 9 or under this section, the Court before which the conviction is had may order the convicted person to take, within a time to be fixed by the Court, the measures for failure to take which such conviction was had.*

(ii) *If any person fails without reasonable cause, to be allowed by the Court, to comply with an order made under sub-section (i), he shall be liable to a fine not exceeding five hundred dollars.*

Placing land in  
quarantine.

10. (i) Whenever the Director is of opinion that plants on any land are diseased, he may with the approval of the Resident of the State wherein such land is situate make an order placing such land or any part thereof in quarantine for such period as may be prescribed by the order.

(ii) So long as an order of quarantine applies to any land no person shall remove any plant therefrom except with the permission and under and in accordance with the direction of an Inspecting Officer.

(iii) Any land placed in quarantine under sub-section (i) shall continue in quarantine until the Director shall certify that no plants thereon are diseased.

Application for  
examination of  
quarantined  
area.

11. Any owner or occupier of land quarantined under Section 10 may apply to an Inspecting Officer to examine the quarantined area with a view to obtaining from the Director the certificate referred to in sub-section (iii) of Section 10, and the Inspecting Officer shall as soon as convenient after receipt of such application visit and

examine the said area; provided that every such application except the first shall be accompanied by a deposit of ten dollars towards the cost of such visit and examination, and if the cost thereof shall amount to less than ten dollars the balance remaining after deduction of the said cost shall be refunded to the depositor.

12. If in the opinion of the Director the destruction of any diseased plant is a matter of necessity and extreme urgency, he may forthwith make an order in writing directing the immediate destruction of such plant by any person referred to in the order, and the said plant shall be destroyed accordingly and the cost of such destruction, if incurred by any person other than the owner or occupier of the land whereon such diseased plant was, shall be defrayed by such owner or occupier.

Power to order immediate destruction of plants.

12A. (i) *Every Inspecting Officer shall within the area, if any, limited by his appointment have power*

Entry for inspection or action with regard to locusts' eggs and locusts.  
E. 24 of 1914.

(a) *to enter at all reasonable times with or without assistants upon any land and to remain there so long as may be reasonably necessary for the purpose of ascertaining whether any locusts' eggs or any locusts in the stage in which they are known as hoppers are in or upon such land;*

(b) *to enter with or without assistants and with such instruments and things, if any, as he may deem necessary upon any land on or in which there are any locusts' eggs or any locusts in the stage in which they are known as hoppers and to take and cause to be taken thereon any action, whether by means of poison or of mechanical apparatus or otherwise howsoever, which he may deem proper for the destruction of such eggs or locusts; provided that where the powers mentioned in this paragraph are exercised in pursuance of authority delegated under sub-section (iii) of Section 3, the action to be taken for the destruction of eggs or locusts shall be restricted to such action as shall have been expressly authorized in writing by the delegating officer.*

(ii) *No person shall obstruct or interfere with any thing done or in course of being done under the provisions of this section.*

13. (i) *Whenever locusts' eggs are found or locusts in the stage in which they are known as hoppers appear on any land, the occupier or if there be no occupier the owner thereof shall, so soon as he becomes aware that such eggs have been found or such locusts have appeared thereon, forthwith*

Duty of owner or occupier on appearance of locusts' eggs or hoppers.  
E. 21 of 1914.

(a) *give notice thereof in writing or otherwise to an Inspecting Officer or at the nearest Land Office or Police Station, with such particulars as may be prescribed by rule under this Enactment, and*

(b) *use his utmost endeavours immediately to destroy the eggs or locusts, as the case may be, and*

(c) *carry into effect all instructions given to him in that behalf by an Inspecting Officer, and*

(d) render all assistance in his power towards the carrying out of any action taken or directed by an Inspecting Officer for the purpose of destroying the eggs or locusts and, in particular, place at the disposal of the Inspecting Officer, on demand, for such period not exceeding one week as the Inspecting Officer may require, so many of the labourers, if any, employed by him on the land whereon such action is or is to be taken, or on any other land owned or occupied by him which is distant not more than three miles by direct measurement from the land whereon such action is or is to be taken, as the Inspecting Officer may require, not exceeding one-half of the total number so employed.

(ii) Any owner or occupier who shall place labourers at the disposal of an Inspecting Officer in pursuance of the provisions of paragraph (d) of sub-section (i) shall be entitled to recover from public funds in respect of every such labourer whose services shall have been utilized by the Inspecting Officer such amount as may be from time to time prescribed by rule under Section 21; and any other expenditure incurred by an owner or occupier in the destruction of eggs or locusts which is certified as reasonable by an Inspecting Officer shall, subject to the approval of the Resident of the State in which such destruction of eggs or locusts was effected, be recoverable by him from public funds.

(iii) Every person who shall commit a breach of the provisions of this section shall be liable to a fine not exceeding two hundred and fifty dollars.

Driving of  
locusts.

14. Any person who shall wilfully drive or abet the driving of locusts in the stage in which they are known as hoppers off land owned or occupied by any person on to other land owned or occupied by a different person shall be liable to fine not exceeding five hundred dollars unless he prove to the satisfaction of the Court that growing crops on the land off which the locusts were driven were in danger from them and that in driving them off such land he used his utmost endeavours to destroy them and did not drive them towards the growing crop of any other person.

Duty of owners  
of coconut trees  
attacked by  
beetles.

15. (i) It shall be the duty of every owner of coconut trees which are attacked by beetles to clear the trees of beetles within one month from the service upon him of a notice in that behalf signed by a Collector or Assistant Collector having authority under "The Land Enactment, 1911," in the place where such trees are situated.

(ii) It shall be the duty of the owner or person in charge of every coconut tree which is dead or is attacked beyond recovery by the rhinoceros beetle or the red beetle forthwith to uproot such tree and either to consume it with fire or to bury it in the ground at a depth of not less than three feet so that the beetle and all eggs and larvæ thereof may be totally destroyed and that the tree may not serve as a breeding-place for rhinoceros beetles or red beetles.

(iii) If any person without reasonable excuse (the burden of proof whereof shall lie on him) neglects or refuses to perform any duty imposed upon him by this section, he shall be liable to fine

not exceeding two dollars for every tree in respect of which such neglect or refusal occurs, and any such officer as is in Section 16 referred to may cause to be performed the duty so neglected or refused to be performed and may recover the cost of such performance by civil suit from the person so neglecting or refusing as aforesaid.

16. (i) All coconut trees in every mukim shall be periodically inspected by the penghulu of the mukim, who shall report to a Collector or Assistant Collector having authority under "The Land Enactment, 1911." in the place where such trees are situated or to such other officer as the Resident of the State may by notification in the *Gazette* appoint in that behalf such trees as are infected with rhinoceros beetles or red beetles; any Collector or Assistant Collector having authority as aforesaid or any other officer appointed as aforesaid may order that any coconut tree infected with rhinoceros beetles or red beetles be cleaned or cut down or be burned or buried in the manner prescribed in Section 15. and the penghulu of the mukim wherein such tree is situated shall see that such order is carried out.

Inspection of coconut trees by penghulu.

(ii) The duties assigned by this section to penghulus of mukims, shall in any mukim for which there is no penghulu be performed by such native officer as may be directed by such Collector or Assistant Collector as aforesaid to perform the said duties.

17. In any State the Resident may from time to time make such compensation as he may think fit to any owner of a coconut tree who, being in needy circumstances, is required to destroy such tree: provided that the compensation in respect of any one tree shall not exceed five dollars and that the compensation given in one year to any one person shall not exceed one hundred dollars.

Compensation for destruction of coconut trees.

18. If any person keeps on his premises dead coconut trees or stumps, coconut timber, rubbish heaps, accumulations of dung, vegetable refuse, or other matter likely to harbour or become breeding-places for rhinoceros beetles or red beetles and neglects or refuses to remove or destroy the same when required so to do by a notice in writing from any such officer as is in Section 16 referred to, he shall be liable to fine not exceeding one hundred dollars and any such officer as is in Section 16 referred to may cause such trees, stumps, timber, rubbish heaps or other accumulations to be removed or destroyed and may recover the cost of such removal or destruction by civil suit from the person so neglecting or refusing as aforesaid.

Destruction of matter likely to harbour beetles.

19. All District Officers, all officers appointed under "The Land Enactment, 1911." and all officers appointed by the Resident of any State by notification in the *Gazette* to exercise any powers under Section 16 shall within the areas over which their powers extend have access at all reasonable times into and upon any land whereon any coconut tree is growing for the purpose of inspecting such tree and also into and upon any land or premises where there is reason to suppose that there are kept any such things as in Section 18 are referred to.

Access to coconut plantations, etc.

Compensation.  
E. 21 of 1914.

20. Subject to the provisions of Section 17, no owner or occupier of land or other person shall be entitled to compensation for any expense incurred or damage occasioned by any order given or act done in pursuance of the provisions of this Enactment or any rule thereunder unless such damage were occasioned by *negligence* or maliciously and without reasonable cause; but the Chief Secretary may, in his discretion, order that such compensation as he may think fit be paid to the owner or occupier of any land who is required to destroy as a measure of precaution any plant thereon not being diseased. No application for compensation shall be entertained unless it be in writing and be received in the office of the Chief Secretary within three months from the date of the notice requiring the destruction of such plant, and in no case shall compensation be paid in excess of the actual value of the plant destroyed at the date of such notice; if any question arise as to such actual value, the decision of the Director thereon shall be final and conclusive.

Rules.

21. (i) The Chief Secretary may from time to time make rules for preventing the introduction of pests into the Federated Malay States or any part thereof and for preventing the spread of pests therein. Such rules may provide, amongst other things, for

- (a) prohibiting the landing in the Federated Malay States from places outside the said States of any plant or animal the landing of which may appear to the Chief Secretary to be likely to introduce any pest;
- (b) the treatment or destruction of any plant or animal which has been landed and of the packages, cases, pots, or coverings in which the same may be packed.

Any such rule may be absolute or subject to such conditions and exceptions as may be expressed therein and may apply to the introduction of plants or animals either generally or from any specified place.

(ii) The Chief Secretary may also from time to time make rules for fully and effectually carrying out and giving effect to the various provisions and powers in this Enactment contained. Such rules may provide for

- (a) the powers and duties of officers appointed under Section 3;
- (b) the convening of meetings of the Supervising Committee and the conduct of the business thereof;
- (c) the manner of entry upon lands under the provisions of this Enactment and the notice, if any, to be given prior to such entry;
- (d) the conduct of examinations and inspections of plants and of other proceedings authorized by this Enactment;
- (e) the notification by owners and occupiers of land of any plant found to be diseased;
- (f) the form of orders, applications, and certificates under this Enactment;



(g) all other matters connected with the enforcement of this Enactment.

(iii) All rules made under this section shall be published in the *Gazette* and shall thereupon have the force of law.

(iv) Any person contravening the provisions of any rule made and published under this section shall be liable to fine not exceeding five hundred dollars. Penalty for breach of rule.

(v) An Inspecting Officer or any subordinate officer acting under the directions of an Inspecting Officer may destroy or cause to be destroyed any plant introduced into the Federated Malay States in contravention of any rule made and published under this section.

22. (i) When any notice is required by this Enactment to be given to the owner or occupier of any land, such notice addressed to the owner or occupier may be served in manner following, that is to say— Service of notices.

(a) if the owner or occupier of such land be within the State wherein such land is situate, the notice may be delivered to him or left with some adult member of his family (other than a servant) residing with him within such State;

(b) if the notice cannot be served in the manner described in clause (a) or if the owner or occupier be not resident within the State wherein the land is situate, it may be sent by registered post addressed to him at his residence in any part of the Federated Malay States or in the Colony;

(c) if the notice cannot be served in the manner described in clause (a) or clause (b) or if there be no known owner or occupier of such land, the notice may be put up on some conspicuous place on the said land.

(ii) It shall not be necessary in any such notice to name the owner or occupier if the land to which the notice relates is therein referred to.

(iii) Every such notice shall be in the English language and also, if the person for whom it is intended be an Asiatic not known to understand the English language, in such other language as may in the opinion of the officer signing the notice be likely to render it intelligible to such Asiatic; provided that no notice shall be deemed to be bad or insufficient by reason merely of the language wherein the same is rendered.

23. Whenever the Government shall have supplied any material free of charge for the prevention or eradication of any pest, any person who shall wilfully appropriate or use the same for any purpose other than that for which the said material was supplied shall be liable to fine not exceeding two hundred and fifty dollars. Penalty for misuse of material.

24. Every person who shall commit any breach of the provisions of this Enactment for the breach whereof no penalty is otherwise expressly provided shall be liable to fine not exceeding two hundred dollars. General penalty.

Proceedings to  
be authorized  
by Director.  
E. 5 of 1920.

Provisions  
regarding  
actions.

**25.** No proceedings shall be instituted in any Court against any person under any provision of this Enactment other than sections 9a, 15, and 18 except with the written authority of the Director.

**26.** (i) No action shall be brought against any person for anything done, or *bonâ fide* intended to be done, in the exercise or supposed exercise of the powers given by this Enactment or by any rules made thereunder

- (a) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof ;
- (b) after the expiration of three months from the date of the accrual of the cause of action ;
- (c) after tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if at the trial the plaintiff shall fail to prove such allegation judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Court, before which the action is tried, shall certify its approbation of the action.

#### THE SCHEDULE.

#### ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak ..	3 of 1898	Coconut Trees Preservation Enactment, 1898
Selangor ..	4 of 1898	Do.
N. Sembilan	10 of 1898	Do.
Pahang ..	11 of 1898	Do.

## ENACTMENT NO. 15 OF 1913.

An Enactment to provide for securing to Malays their interests in land.

ARTHUR YOUNG, [23rd December, 1913,  
*President of the Federal Council.* 1st January, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as “ The Malay Reservations Enactment, 1913,” and shall come into force upon the 1st day of January, 1914. Short title and commencement.

(ii) Nothing in this Enactment contained shall affect the provisions of the Customary Tenure Enactment, 1909, of the State of Negri Sembilan.

2. In this Enactment the following expressions shall have the respective meanings hereby assigned to them : Interpretation.

“ Collector ” means any Collector or Assistant Collector duly appointed under the Land Enactment, 1911 ;

“ Malay ” means a person belonging to any Malayan race who habitually speaks the Malay language or any Malayan language and professes the Moslem religion ;

“ Registrar of Titles ” means a Registrar of Titles appointed under “ The Registration of Titles Enactment, 1911,” or under any Enactment thereby repealed and includes a Deputy Registrar appointed under any of the said Enactments ;

“ Reservation-land ” means land situate within an area which has under the provisions of Section 3 or Section 4 been declared to be, or to be included in, and is, or is included in, a Malay Reservation ;

The expression “ to alienate,” with its grammatical variations, and the expression “ State land ” have respectively the meanings assigned to the said expressions by the Land Enactment, 1911.

3. (i) It shall be lawful for the Resident of any State, with the approval of the Ruler of such State in Council, to declare by notification in the *Gazette* any area of land within such State to be a Malay Reservation. Declaration of Malay Reservations.

(ii) Such declaration shall describe with reasonable accuracy the limits and boundaries of such area of land, either by reference to boundaries of surveyed lands or by reference to natural features or otherwise, as may to the Resident seem expedient, but it shall not be necessary for the purposes of such declaration to measure or survey the area therein referred to.

(iii) Such declaration shall take effect on the publication thereof in the *Gazette* unless it be expressed to take effect at a later date therein specified, in which case it shall take effect at the later date so specified.

Alteration and  
revocation of  
Malay  
Reservations.

4. With respect to any State the Resident of such State may at any time, with the approval of the Ruler thereof in Council, by declaration in the *Gazette*

- (a) alter the limits or boundaries of any Malay Reservation, or
- (b) revoke any declaration made under Section 3, either as to the whole or any part of the area therein referred to, or
- (c) include in any Malay Reservation any land excluded therefrom.

Such declaration shall take effect in the manner provided in sub-section (iii) of Section 3.

Inclusion of  
alienated or  
State land.

5. Any alienated land or State land may be included in a Malay Reservation.

Notice of  
Reservation.

6. (i) On the declaration of a Malay Reservation and on the inclusion in any existing Malay Reservation of any land previously excluded therefrom notice thereof shall be forthwith served upon every person having a registered title to land within the area so declared or included or otherwise in lawful occupation of land therein.

(ii) Such notice may be served personally upon the person to whom it is addressed or may be served in any manner provided under the Land Enactment, 1911, for the service of notices thereunder; provided that no failure to serve or irregularity in the service of any such notice as is prescribed by this section shall affect the validity of the declaration to which the same relates.

Restriction on  
alienation.

7. No State land included within a Malay Reservation under this Enactment shall be sold, leased, or otherwise disposed of to any person not being a Malay.

Restriction on  
transfer of  
interest.

8. (i) No right or interest of any Malay in Reservation-land shall, except in pursuance of a sale effected with the consent of the Ruler of the State in Council as in Section 10 provided, be transferred to or vest in any person not being a Malay: provided that nothing in this section contained shall be deemed to prohibit the leasing of Reservation-land to persons other than Malays for any term not exceeding three years.

(ii) Notwithstanding anything contained in "The Powers of Attorney Enactment, 1912," and except in the case of powers of attorney valid within the Federated Malay States immediately prior to the commencement of this Enactment, no power of attorney whereof the donee or any donee is a person not being a Malay shall, in so far as it relates to any right or interest of a Malay in Reservation-land, be irrevocable.

Restriction on  
execution sales.

9. No right or interest of any Malay in Reservation-land shall be sold in execution of a decree to any person not being a Malay.

**10.** No right or interest of any Malay in Reservation-land shall be sold at the instance of a chargee of such land without the consent of the Ruler of the State wherein such land is situate in Council. Such consent may be subject to such conditions and limitations (if any) as the Ruler of the State in Council may see fit to impose.

Restriction on charge sales.

**11.** (i) If the Ruler of the State in Council shall refuse to consent to the sale of Reservation-land charged by a charge created prior to the taking effect of the declaration whereby the land charged was included in a Malay Reservation or shall consent thereto subject to conditions or limitations imposed or if the charge was registered before the 1st July, 1913, the chargee may apply to the Resident of the State wherein such land is situate for payment of the amount due upon such charge, and if such application be made then the Resident shall pay to the chargee the amount due upon such charge, or if the value of the land charged shall be less than the amount due upon the charge the Resident shall pay to the chargee the value of the land.

Claim of chargee where sale prohibited.

(ii) In the event of any dispute arising as to the value of such land the Resident and the chargee shall each appoint a person to determine the value of the land and the persons so appointed shall before entering upon such valuation appoint an umpire and shall thereafter proceed to their valuation, and if they agree as to the value of the land their valuation shall be final and binding, but if they fail to agree the matter shall be referred to the umpire and the valuation of the umpire shall then be final and binding as to the value of the land.

(iii) If the Resident shall under the provisions of this section pay to a chargee the amount due upon the charge or the value of the land charged, as the case may be, then the charge shall be deemed to be satisfied, but the amount of such payment shall be a debt due by the chargor, his executors and administrators to the State wherein the land which was charged is situate and the same may be sued for and recovered in a Court of law at any time within six years from the date when such payment was made.

(iv) For the purposes of this section the value of the land shall mean the value thereof immediately prior to the publication of the declaration that the same is, or is included in, a Malay Reservation.

(v) Any person appointed under sub-section (ii) not being a public officer may receive such fee for his services as the Resident shall direct, and any expenses necessarily incurred for the purposes of the said sub-section shall be borne by the Government.

**12.** (i) Immediately after the taking effect of any declaration under Section 3 or Section 4 (c) the Collector for every district wherein are situated any lands owned by or held on lease from the Government by Malays which by the said declaration are declared to be, or to be included in, a Malay Reservation shall by public notice require all persons owning or holding on lease from the Government such of the said lands as are within his district under documents of title issued before the taking effect of the said declaration to attend before him and produce such documents of title,

Inscription on documents of title for Reservation-land.

and all such persons shall attend and produce such documents accordingly.

(ii) On the production of such documents the Collector shall in the case of documents of title registered in the Land Office inscribe conspicuously in red ink across the face thereof the words "Malay Reservation," and shall in the case of documents of title registered in a Registry of Titles forward them to the Registrar of Titles who shall inscribe thereon the said words in manner aforesaid; after the inscription prescribed by this section has been made upon any document of title, it shall be returned to the person entitled to the custody thereof.

(iii) Before the issue or return to any Malay of any document of title for land which at the time of such issue or return is included within a Malay Reservation and whereon the inscription prescribed by sub-section (ii) has not been made the Collector or Registrar of Titles, as the case may be, shall inscribe conspicuously in red ink across the face thereof the words "Malay Reservation."

(iv) In every case where an inscription is required to be or has been made under this section on any document of title a corresponding inscription shall be made in the Mukim Register or Register of Titles or Register of Leases of State Land, as the case may be.

(v) Any person failing to attend before the Collector when required so to do under sub-section (i) shall be liable on conviction before a Magistrate to fine not exceeding twenty-five dollars.

(vi) Where land ceases to be included in a Malay Reservation, any inscription made under this section relating to such land may be cancelled by the Collector or the Registrar of Titles, as the case may be.

**13.** All dealings or disposals whatsoever and all attempts to deal or dispose in or of Reservation-lands contrary to the provisions of this Enactment shall be null and void.

**14.** If doubt shall arise in any State as to whether any person is a Malay within the meaning of this Enactment or as to the mode of operation of this Enactment or the manner in which the provisions thereof are to be construed or carried into effect or otherwise in relation thereto, the same may be referred through the Resident of such State to the Ruler thereof in Council who shall decide the same, and every such decision shall be final and shall not be questioned or revised by any Court.

**15.** All moneys payable under the provisions of sub-section (i) or sub-section (v) of Section 11 shall be payable out of the revenues of the State wherein the land charged is situate.

**16.** Except as otherwise in this Enactment provided the Land Enactment, 1911, shall apply to Reservation-lands.

Dealings  
contrary  
to Enactment  
void.

Decision of  
doubtful points  
by Ruler in  
Council.

Funds for  
payment.

Application of  
the Land  
Enactment,  
1911.

## ENACTMENT NO. 19 OF 1913.

An Enactment to provide for mutual assistance between the Police of the Federated Malay States and the Police of the Straits Settlements and for authorizing arrest and trial in the Federated Malay States for certain offences committed outside the said States.

ARTHUR YOUNG,  
*President of the Federal Council.*

[23rd December, 1913.  
30th December, 1913.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as “The Police Assistance and Criminal Jurisdiction Enactment, 1913,” and shall come into force on the publication thereof in the *Gazette*. Short title, commencement, and repeal.

(ii) On the coming into force of this Enactment the Enactments mentioned in the schedule shall be repealed to the extent specified in the fourth column thereof ; provided that all orders made and subsisting under any provision hereby repealed of The Straits Settlements Offenders Enactments, 1904, shall be deemed to have been made under this Enactment.

2. (i) Whenever application is made by any public officer of the Colony to any officer in administrative charge of a district of the Federated Malay States having a common boundary with any administrative district of the Colony, or to any police officer not below the rank of sergeant having authority in any such district of the Federated Malay States, for assistance in any temporary emergency by the despatch of a body of police from the Police Force of the Federated Malay States for temporary service in such district of the Colony, such officer may in his discretion despatch or cause to be despatched into such district of the Colony such and so many members of the Police Force of the Federated Malay States at his disposal as may, in the opinion of such officer, be necessary or expedient having regard to all the circumstances of the case not exceeding the number, if any, specified in the said application. Despatch of Federated Malay States Police to the Colony.

(ii) All members of the Police Force of the Federated Malay States who may be ordered pursuant to the provisions of sub-section (i) to proceed to the Colony for service shall comply with such order and every such order shall for the purposes of Section 19 of The Police Force Enactments, 1905, be deemed to be made by the Commissioner of Police for the Federated Malay States with the sanction of the Chief Secretary to Government.

Service of  
Colonial Police  
in the Federated  
Malay States.

### 3. Whenever

(a) in pursuance of an order made by the Governor of the Colony with a view to the preservation of order and the protection of life and property in the Federated Malay States a body of police from the Police Force of the Colony is present in any part of the Federated Malay States, or

(b) in response to an application made by any officer in administrative charge of a district of the Federated Malay States having a common boundary with any part of the Colony or by any police officer not below the rank of sergeant having authority in any such district a body of police from the Police Force of the Colony is present in such district for the purpose of assisting the Police Force of the Federated Malay States in any temporary emergency,

the members of such body shall be under the orders of their own officers present with them, if any, subject to the control of the senior police officer present, whether he be a member of the Police Force of the Colony or of the Police Force of the Federated Malay States, and shall be subject to the same regulations and so far as possible perform the same duties as when on service in the Colony. Provided that the powers given by section 27 of the "Police Force Ordinance, 1872," of the Colony to the Inspector-General to punish for offences committed by Inspectors of Police may, in the case of Inspectors present in the Federated Malay States under the circumstances in this section referred to, be exercised, in the absence of the Inspector-General, by the highest police officer of the Colony who may be so present. And provided further that members of the Police Force of the Colony present in any district of the Federated Malay States in response to such an application as is referred to in clause (b) of this section shall not be required to serve in any other district.

Enforcement of  
contract made  
with Colonial  
Government.

4. Whenever any body of police from the Police Force of the Colony shall be present in the Federated Malay States under the circumstances in Section 3 referred to, any contract of service made between any member of such body and the Government of the Colony may be enforced in the Federated Malay States in the same manner and with the like effect as if such contract had been made between such member and the Government of the Federated Malay States.

Powers of  
member of  
Colonial Police  
Force.

5. Any member of the Police Force of the Colony present in the Federated Malay States under the circumstances in Section 3 referred to shall have and may exercise the powers, and shall be liable to perform the duties, of a police officer of the Federated Malay States.

Powers of  
Magistrate of  
the Federated  
Malay States.

6. Any Magistrate of the Federated Malay States may hear and determine charges against members of the Police Force of the Colony present in the Federated Malay States under the circumstances in Section 3 referred to in respect of the offences mentioned in Section 26 of the "Police Force Ordinance, 1872," of the Colony, provided that no such Magistrate shall inflict any greater punish-



ment than is provided in the said section in respect of any such offence.

7. Whenever it appears to the Chief Secretary to Government that provision is made by the law of the Colony for conceding like powers to the Courts and police officers of the Federated Malay States with respect to the arrest in the Colony of persons accused of offences committed and to recovery of goods alleged to have been stolen in the Federated Malay States, it shall be lawful for him to make all or any of the following orders :

Power to the Chief Secretary to Government to make orders with regard to arrest and trial in the Federated Malay States for offences committed in the Colony.

- (a) That it shall be lawful for any police officer of the Colony to execute without endorsement within the State of Perak the lawful warrant of any Magistrate of the Colony for the apprehension of any person accused or convicted of a criminal offence committed or for the recovery of any goods alleged to have been stolen within Province Wellesley or within the territory of the Dindings in like manner as such warrant might be executed within the Colony; provided that such warrant be executed within one week from the issue thereof. And that it shall be lawful for any such police officer upon fresh pursuit to arrest without warrant any person so accused or convicted as aforesaid at any place within the State of Perak within seven miles from the boundary of Province Wellesley or of the territory of the Dindings in like manner as he might have arrested such person in the Colony and to bring him before a Magistrate having jurisdiction in the Colony to be dealt with according to law :
- (b) That it shall be lawful for any police officer of the Colony to execute without endorsement within the State of Negri Sembilan the lawful warrant of any Magistrate of the Colony for the apprehension of any person accused or convicted of a criminal offence committed or for the recovery of any goods alleged to have been stolen within the Settlement of Malacca in like manner as such warrant might be executed within the Colony; provided that such warrant be executed within one week from the issue thereof. And that it shall be lawful for any such police officer upon fresh pursuit to arrest without warrant any person so accused or convicted as aforesaid at any place within the State of Negri Sembilan within seven miles from the boundary of the Settlement of Malacca in like manner as he might have arrested such person in the Colony and to bring him before a Magistrate having jurisdiction in the Colony to be dealt with according to law ;
- (c) That when a person is accused of an offence committed in the Colony on or within the distance of five hundred yards from the boundary between the Colony and any of the Federated Malay States such person may be apprehended, tried, and punished in such State ;

- (d) That when a person is accused of an offence alleged to have been committed in the Colony on any person or in respect of any property in or upon any carriage, cart, vehicle, or vessel employed on a journey between the Colony and any of the Federated Malay States such person may be apprehended, tried, and punished in such State.

Place where  
offence is to  
be deemed to  
have been  
committed.

8. Where Section 7 provides for the place of trial of a person accused of an offence, that offence shall for all purposes of and incidental to the apprehension, trial, and punishment of such person and of and incidental to any proceedings and matters preliminary or incidental thereto or consequential thereon and of and incidental to the jurisdiction of any Court or police or other officer with reference to such offence and to any person accused of such offence be deemed to have been committed in any place in which the person accused of the offence can be tried for it.

#### SCHEDULE.

#### ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak ..	2 of 1896	Colonial Police Force ..	The whole
Selangor ..	4 of 1896	Do.	„
N. Sembilan	1 of 1896	Do.	„
Perak ..	29 of 1904	The Straits Settlements Offenders Enactment, 1904	Sections 14 and 15
N. Sembilan	27 of 1904	Do.	„

## ENACTMENT NO. 20 OF 1913.

An Enactment to amend the Law relating to Societies.

ARTHUR YOUNG,  
*President of the Federal Council.*

[23rd December, 1913.  
13th February, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as “The Societies Enactment, 1913,” and shall come into force upon the publication thereof in the *Gazette*. Short title, commencement, and repeal.

(ii) The Enactments mentioned in the schedule are hereby repealed ; provided that any society which immediately prior to the commencement of this Enactment is duly registered or exempted from registration under any Enactment hereby repealed shall, so far as may be consistent with such registration or exemption and subject to the limitations, if any, thereof, be deemed to have been registered under this Enactment or exempted from registration by an order of exemption made under this Enactment, as the case may be.

2. In this Enactment and in rules thereunder—

“Society” includes any club, company, partnership, or association of ten or more persons, whatever be its nature or object, and every branch of such club, company, partnership, or association, except the following : Interpretation.

- (a) any company, association, or partnership registered under the law for the time being relating to companies or formed and maintained for the sole purpose of carrying on any lawful business ;
- (b) any company or association constituted under any Enactment or under Royal Charter or Letters Patent of His Britannic Majesty or under any Act of the Imperial Parliament of the United Kingdom of Great Britain and Ireland or of the Legislature of any British Possession ;
- (c) any body of Freemasons regularly constituted under any of the recognized governing bodies of Freemasons in the United Kingdom of Great Britain and Ireland ;

“Registered Society” means any society for the time being registered in any State under this Enactment ; provided that where such registration is operative only within a particular area or particular areas of a State the society so registered shall not, except with reference to such particular area or areas, be deemed to be a registered society ;

“Exempted Society” means any society for the time being exempted from registration in any State by an order of exemption made under this Enactment ; provided that where such exemption is operative only within a particular area or particular areas of a State the society so exempted shall not, except with reference to such particular area or areas, be deemed to be an exempted society ;

“Registrar” means the officer appointed as Registrar of Societies under this Enactment and includes any Deputy Registrar of Societies and in Sections 19, 20, 21, and 22 any Assistant Registrar of Societies appointed under this Enactment ;

“Chief Secretary” means the Chief Secretary to Government, Federated Malay States ;

“Magistrate” means a Magistrate of the First Class ;

“State” means the State in which any power conferred, duty imposed, or act authorized or prohibited to be done by the section in which the word occurs is or is to be exercised, performed, done or not done, as the case may be, and “the Resident” means the Resident of such State.

Appointment of  
officers.

3. (i) The Chief Secretary may by notification in the *Gazette* appoint by name or office an officer to be styled the Registrar of Societies and officers to be styled Deputy Registrars of Societies and Assistant Registrars of Societies.

(ii) The powers of the Registrar of Societies shall extend throughout the Federated Malay States ; the powers of Deputy Registrars and Assistant Registrars of Societies shall, in respect of the area within which they are to be exerciseable, be subject to such limitations (if any) as may be specified in that behalf by the Chief Secretary by notification in the *Gazette*.

Orders for  
registration and  
for exemption  
from registra-  
tion.

4. (i) In any State the Resident may order that any society be exempted from registration under this Enactment.

(ii) In any State the Resident may order that any exempted society be permitted to be registered under this Enactment and thereupon such society shall cease to be an exempted society.

(iii) In any State the Resident upon application for registration or exemption by any society may order that such society be permitted to be registered under this Enactment or, subject to the provisions of sub-section (v), may refuse to permit that such society be registered.

(iv) The effect of orders made under any of the preceding sub-sections may by the terms thereof be restricted to a particular area or particular areas of the State.

(v) The Resident shall not refuse permission to any society to be registered under this Enactment unless he shall be of opinion that such society is likely to be used for unlawful purposes or for purposes prejudicial to the peace, good order, or welfare of the State or of any other of the Federated Malay States.

(vi) Every order of exemption from registration and every registration effected in compliance with any order permitting registration shall be notified in the *Gazette* and shall state the State

or other area to which it applies and shall only have effect within such State or area : provided that no such order or registration shall have effect or be notified in the *Gazette* until after due payment of the fee, if any, prescribed in respect thereof.

5. If the Registrar shall have reason to believe that any registered or exempted society has ceased to exist in a State wherein the same was registered or exempted from registration, as the case may be, he may publish in the *Gazette* a notification calling upon such society to furnish to him within three months from the date of such notification proof of its existence within such State, and if at the expiration of such three months the Resident is satisfied that the society has ceased to exist in the State a notification to that effect shall be published in the *Gazette* and the society shall be deemed to have ceased to exist in the State from the date of such publication.

Cessation of existence of a society.

6. (i) The Registrar may at any time order any exempted society to furnish to him in writing

Orders to exempted societies to furnish information.

- (a) a true and complete copy of the constitution and rules of the society in force at the date of such order ;
- (b) a true and complete list of the officers of the society and a true statement of the number of its members.

(ii) In any State the Resident may at any time order any exempted society to furnish to the Registrar such information concerning the society as the Resident may think fit to require.

7. The Registrar shall from time to time order every registered society to furnish to him in writing such information as may be prescribed by rule under Section 26 and may at any time order any registered society to furnish to him such information and to produce for his inspection such documents as he may be authorized by rule under Section 26 to require.

Orders to registered societies to furnish information.

8. (i) The president and secretary and all members of committee, or if such offices do not exist then all persons holding positions analogous to those of president, secretary, and member of committee, and all persons managing or assisting in the management of any society in respect of which any order shall have been made under the provisions of Section 6 or Section 7 shall be personally bound to cause such order to be duly complied with.

Obligation on officers of societies to comply with order.

(ii) In case any society shall fail to comply with any order under the provisions of Section 6 or Section 7 every such person as is in sub-section (i) referred to shall be liable on conviction to a fine not exceeding fifty dollars.

Penalty.

9. Every society which with reference to any State or any particular area of a State is not a registered society or an exempted society shall with reference to such State or area, as the case may be, be deemed to be an unlawful society.

Unlawful society.

10. Any person managing or assisting in the management of an unlawful society shall be liable on conviction to imprisonment of either description for a period not exceeding three years.

Penalty for managing unlawful society.

Penalty for participation in unlawful society.

11. Any person being or acting as a member of an unlawful society or attending a meeting of an unlawful society shall be liable on conviction to a fine not exceeding five hundred dollars or to imprisonment of either description for a period not exceeding twelve months or to both.

Penalty for allowing use of premises for meeting of unlawful society.

12. Any person knowingly allowing a meeting of an unlawful society or of members of an unlawful society to be held in any house, building, or place belonging to or occupied by him or over which he has control shall be liable on conviction to a fine not exceeding five hundred dollars or to imprisonment of either description for a period not exceeding twelve months or to both.

Collections of subscriptions from Chinese for societies.

13. (i) A member of a registered society or exempted society may in any area within which the registration or exemption of such society is operative collect on behalf of such society subscriptions from and circulate on behalf of such society subscription-lists among persons of Chinese race ; but, except as aforesaid, no person shall without the written sanction of the Registrar collect subscriptions from or circulate subscription-lists among persons of Chinese race on behalf of any society, whether existing within or without the Federated Malay States or with a view to the formation of a society either within or without the said States.

Penalty.

(ii) Any person who shall contravene the provisions of subsection (i) by collecting subscriptions or circulating subscription-lists on behalf of an unlawful society shall be liable on conviction to a fine not exceeding five hundred dollars or to imprisonment of either description for a period not exceeding six months or to both ; and any person who shall in any other case contravene the provisions of this section shall be liable on conviction to a fine not exceeding one hundred dollars.

Presumption that association is a society.

14. If in any prosecution for an offence against the provisions of this Enactment it shall be proved that a club, company, partnership, or association exists and is neither a registered nor an exempted society, it shall be presumed until the contrary be proved that the club, company, partnership, or association is a society within the meaning of this Enactment.

Presumptions as to membership and management of society.

15. (i) When any books, accounts, writings, seals, banners, or insignia of or relating to any society are found in the possession of any person, it shall be presumed, until the contrary be proved, that such person is a member of such society.

(ii) When any books, accounts, lists of members, or seals of or relating to any society are found in the possession of any person, it shall be further presumed until the contrary be proved that such person assists in the management of such society.

Triad Societies.

16. (i) Every society, whether it be exempted or registered or not, which uses a Triad ritual shall be deemed to be an unlawful society.

Penalty.

(ii) Any person found in possession of or having the custody or control of any books, accounts, writings, seals, banners, or insignia of or relating to any Triad Society or branch of a Triad Society,

whether such society or branch be established in the Federated Malay States or not, shall be liable on conviction to a fine not exceeding five hundred dollars or to imprisonment of either description for a period not exceeding six months or to both.

17. (i) Whenever it may appear to the Resident of any State that any registered society or any exempted society is being used for unlawful purposes or for purposes prejudicial to the peace, good order, or welfare of such State or of any other of the Federated Malay States or at variance with the objects or rules of the society as entered in the Register of Societies, he may, with the approval of the Chief Secretary, order that such society be dissolved.

Power to order dissolution of society.

(ii) Every such order shall be published in the *Gazette* and a copy thereof shall be affixed in a conspicuous manner on any building occupied by such society and at the Chief Police Station of the district in which such building may be.

(iii) Every society against which an order of dissolution is made shall thenceforward be deemed to be an unlawful society.

18. (i) Upon the making of an order of dissolution by the Resident of any State against any society the following consequences shall ensue :

Consequences of order of dissolution.

- (a) The property of the society within the State shall forthwith vest either in the Official Assignee in Bankruptcy or if any other officer be, by the terms of the order of dissolution, appointed by the Resident for the purpose of winding up the affairs of the society then in such officer ;
- (b) The Official Assignee in Bankruptcy or such other officer as aforesaid shall proceed to wind up the affairs of the society, and, after satisfying and providing for all debts and liabilities of the society and the costs of the winding up, shall divide the surplus assets (if any) of the society amongst the members of the society according to the rules of such society (if any) or, if there are no such rules applicable to such case, then equally ; but, if by reason of the great number of members or the difficulty of ascertaining the persons entitled to such assets or from any other cause such a division as aforesaid is in the opinion of the Official Assignee in Bankruptcy or such other officer as aforesaid impracticable, such Assignee or officer, as the case may be, shall prepare and submit to a Judicial Commissioner for his approval a scheme for the application of such surplus assets to purposes likely to benefit that portion of the public to which the members of the society more particularly belonged or the public generally ;
- (c) Such scheme when submitted for approval may be amended by the Judicial Commissioner in such a way as he shall think proper under the circumstances of the case ;
- (d) The approval of the Judicial Commissioner to such scheme or amended scheme shall be denoted by the endorsement thereon of a memorandum of such approval signed by the Judicial Commissioner and by the same being sealed

with the seal of the Supreme Court, and upon this being done the surplus assets the subject of such scheme shall be held and applied by the Official Assignee in Bankruptcy or such other officer as aforesaid upon the terms and to the purposes thereby prescribed ;

- (e) For the purpose of the winding up the Official Assignee in Bankruptcy or such other officer as aforesaid shall have all the powers which are vested in the Official Assignee by "The Bankruptcy Enactment, 1912," for the purpose of the discovery of the property of a debtor and the realization thereof, and also all such powers as are by the law relating to Companies vested in an Official Liquidator ; and all the provisions of the said Bankruptcy Enactment and of such law, so far as they relate to the discovery and realization of the property of a debtor and to the winding up of a company, shall *mutatis mutandis* apply to the winding up of the affairs of a society under this Enactment.

(ii) The Resident may for the purpose of enabling a society to wind up its own affairs suspend the operation of this section to such extent and for such period as he may think expedient.

19. It shall be lawful for the Registrar or a Magistrate at any time to enter into any place which he has reason to believe is kept or used by any registered society or any of its members as a place of meeting or place of business.

20. It shall be lawful for the Registrar or a Magistrate who has reason to believe that any registered society is being used for purposes prejudicial to the peace, good order, or welfare of the Federated Malay States or of any of them or at variance with the rules or objects of such society as entered in the Register of Societies to enter, with or without assistance and using force for that purpose if necessary, into any place which he has reason to believe is used as the place of meeting or place of business of such society and to search such place and any person found therein or escaping therefrom for evidence that such society is being used for such purposes as aforesaid.

21. (i) It shall be lawful for the Registrar or a Magistrate or a Police Officer not below the rank of Inspector to enter, with or without assistance and using force if necessary, into any dwelling-house or other building or into any place in which he may have reasonable ground to believe that a meeting of an unlawful society or of persons who are members of an unlawful society is being held or that any books, accounts, writings, banners, or insignia belonging to an unlawful society are concealed or kept or deposited and to arrest or cause to be arrested all persons found in or escaping from such house, building, or place and to search such house, building, or place and seize or cause to be seized all books, accounts, writings, banners, documents, flags, insignia, arms, and other articles which he may have reasonable cause to believe to belong to any unlawful society or to be in any way connected therewith.

Power to enter  
meeting-places  
or business-  
places of regis-  
tered society.

Power to enter  
and search  
meeting-places  
or business-  
places of  
dangerous or  
perverted  
registered  
society.

Power to enter  
and search  
meeting-places  
or depôts of  
unlawful  
society and to  
make arrests  
and seizures.



(ii) All persons so arrested and all articles so seized may be detained in custody till they can be brought in due course before a Magistrate to be dealt with according to law.

22. (i) The Registrar may summon before him any person whom he has reason to believe to be able to give any information as to the existence or operations of any unlawful society or of any club, company, partnership, or association suspected of being an unlawful society or as to the operations of any registered society or exempted society, and the person so summoned shall be legally bound to attend at the hour and place in the summons specified and to produce all documents in his custody, possession, or power relating to such society, club, company, partnership, or association and to answer truthfully all questions which the Registrar may put to him.

Power of Registrar to summon witnesses; photographs and finger impressions.

(ii) The Registrar shall be deemed to be a public servant within the meaning of the Penal Code and may administer oaths or affirmations to and examine on oath or affirmation any person summoned before him under the provisions of this Enactment.

(iii) If any person summoned by the Registrar under this section shall fail to comply with any obligation imposed upon him by sub-section (i) or shall give information which the Registrar believes to be false, the Registrar may, if he considers it advisable to provide for the future identification of such person, order that a photograph and impressions of the finger-prints of such person be taken at such time and in such place and manner as the Registrar may think fit, and if such person shall fail to comply with or shall obstruct the execution of any such order he shall be liable on conviction to a fine not exceeding one hundred dollars.

Penalty.

23. (i) Except in the case of persons arrested under the provisions of Section 21, no person shall be charged with an offence under this Enactment or under any rule made thereunder except on the complaint of the Registrar.

Prosecutions.

(ii) All prosecutions under this Enactment shall be conducted by the Registrar or by some person authorized in writing by him to appear on his behalf.

24. All books, accounts, writings, banners, insignia, and other property belonging to any unlawful society shall be forfeited and handed over to the Registrar.

Forfeiture.

25. All processes, notices, and other documents issued under this Enactment or under any rule made thereunder shall be deemed to have been validly and effectually served if served on or left with the person intended to be served or, in case he cannot be found, if left at his last known place of business or abode by any person authorized in that behalf by the Registrar.

Service of documents.

26. (i) The Chief Secretary may from time to time make rules for the purposes following or any of them :

Rules.

(a) to prescribe the manner of registering societies under this Enactment ;

- (b) to regulate or restrict changes of the place of business or place of meeting or of the registered rules or objects of registered societies ;
- (c) to prescribe the manner and conditions in and under which the powers conferred by this Enactment shall be exercised by the persons on whom such powers are conferred ;
- (d) to prescribe the fees which may be charged and taken on proceedings under this Enactment ;
- (e) to prescribe the forms which may be used for carrying out the provisions of this Enactment ;
- (f) generally for carrying into effect the provisions of this Enactment in relation to any matters, whether similar or not to those above mentioned, as to which it may be expedient to make rules.

(ii) The Chief Secretary may in making a rule under this section prescribe for breach thereof a fine not exceeding fifty dollars and for a continuing breach thereof a fine not exceeding ten dollars for every day after the first day during which the breach continues.

(iii) All rules made under this section shall be published in the *Gazette* and shall thereupon have the force of law.

Provisions  
applicable to  
registered and  
exempted  
societies.

**27.** Every registered society and every exempted society shall be entitled to the benefit of the following provisions—that is to say :

- (a) The movable property of such society, if not vested in trustees, shall be deemed to be vested for the time being in the governing body of such society and in all proceedings civil and criminal may be described as the property of the governing body of such society by their proper title ;
- (b) Every such society may sue or be sued in the name of such one of its members as shall be declared to and registered by the Registrar as the public officer of the society for this purpose, and, if no such person shall be registered, it shall be competent for any person having a claim or demand against the society to sue the society in the name of any person registered as an officer of the society ;
- (c) No suit or proceeding in any Civil Court shall abate or discontinue by reason of the person by or against whom such suit or proceeding shall have been brought or continued dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceeding shall be continued in the name of or against the successor of such person ;
- (d) No judgment in any suit shall be put in force against the person or property of the person sued but against the property of the society. The application for execution shall set forth the judgment, the fact of the party against whom it shall have been recovered having sued or having been sued, as the case may be, on behalf of the society only and shall require to have the judgment enforced against the property of the society ;

- (e) Any member who may be in arrear of a subscription which, according to the rules of the society, he is bound to pay or who owes money to the society or who shall possess himself of or detain any property of the society in a manner or for a time contrary to such rules or shall injure or destroy any property of the society may be sued for such arrear or for the damage accruing from such detention, injury, or destruction of property in the manner hereinbefore provided. But, if the defendant shall be successful in any suit or other proceedings brought against him at the instance of the society and shall be adjudged to recover his costs, he may elect to proceed to recover the same from the officer in whose name the suit shall be brought or from the society and in the latter case shall have process against the property of the said society in the manner above described ;
- (f) Any member of the society who shall commit theft of or dishonestly misappropriate or convert to his own use any money or other property or wilfully and maliciously destroy or injure any property of such society or shall forge any deed, bond, security for money, receipt, or other instrument whereby the funds of the society may be exposed to loss shall be subject to the same prosecution and if convicted shall be liable to be punished in like manner as any person not a member would be subject and liable in respect of the like offence ;
- (g) Any number not less than three-fifths of the members for the time being resident in a State of any society may determine that it shall as within such State be dissolved forthwith, or at a time agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the society, its claims and liabilities according to the rules of the said society applicable thereto (if any) and if not then as the governing body shall find expedient ; provided that in the event of any dispute arising among the said governing body or the members of the society such dispute may be decided by the Registrar. Any person aggrieved by any decision of the Registrar under this sub-section may appeal to a Judicial Commissioner ; provided that such appeal shall be brought within thirty days from the date of the decision appealed against.

## SCHEDULE.

## ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak ..	9 of 1900	The Societies Enactment, 1900
Selangor ..	9 of 1900	Do.
Negri Sembilan	12 of 1900	Do.
Pahang ..	3 of 1901	The Societies Enactment, 1901

## ENACTMENT NO. 21 OF 1913.

As amended by Fed. E. 25 of 1917, 23 of 1918 and 11 of 1919.

An Enactment to repeal and re-enact with amendments  
the Legal Tender Enactments, 1907.

ARTHUR YOUNG.

*President of the Federal Council.*

[23rd December, 1913.

30th December, 1913.]

Short title and  
commence-  
ment.

It is hereby enacted by the Rulers of the Federated Malay States  
in Council as follows :—

Repeal.

1. (i) This Enactment may be cited as “The Legal Tender  
Enactment, 1913,” and shall come into force upon the publication  
thereof in the *Gazette*.

Standard coin.

(ii) Upon the coming into force of this Enactment the Enact-  
ments specified in the first schedule shall be repealed.

2. (i) The Straits Settlements silver dollar, coined in pursuance  
of the Straits Settlements (Coinage) Order, 1907, of the standard  
weight and millesimal fineness specified in the second schedule  
shall be the standard coin of the Federated Malay States.

(ii) Every contract, sale, payment, bill, note, instrument and  
security for money, and every transaction, dealing, matter and thing  
whatever relating to money or involving the payment of or the  
liability to pay any money, shall, in the absence of express agreement  
to the contrary, be held to be made, executed, entered into, done  
and had in the Federated Malay States according to the standard  
coin of the Federated Malay States.

Legal tender.

3. (i) A tender of payment of money in the Federated Malay  
States, if made in the standard coin or in any coin specified in the  
third schedule, shall, if the coins have not been illegally dealt with  
and if of silver have not become diminished in weight by wear or  
otherwise so as to be of less weight than the weight in that behalf  
specified in the schedule as the least current weight, be a legal tender

(a) in the case of dollars or fifty cent pieces for the payment of  
any amount ;

(b) in the case of the other silver coins for the payment of an  
amount not exceeding two dollars, but for no greater  
amount ;

(c) in the case of coins of copper or mixed metal for the payment  
of an amount not exceeding one dollar, but for no greater  
amount.

(ii) Every such coin shall be a legal tender only for the amount  
of its denomination.

(iii) A tender of payment of money in the Federated Malay States if made in gold sovereigns, coined at the Royal Mint in England or at any mint established as a branch of that mint, shall be legal tender for the payment of any amount at the rate of seven sovereigns for sixty dollars, provided that such sovereigns shall not have been illegally dealt with or shall not have been diminished by wear or otherwise so as to be of less weight than the weight specified in the fourth schedule.

(iv) For the purpose of this Enactment a coin shall be deemed to have been illegally dealt with where the coin has been impaired, diminished, or lightened otherwise than by fair wear and tear, or has been defaced by having any name, word, device, or number stamped or engraved thereon, whether the coin has or has not been thereby diminished or lightened.

4. (i) The currency notes issued from time to time by the Government of the Straits Settlements shall be treated as equal to such an amount or aliquot part of the standard coin as is expressed therein. Currency notes.  
E. 25 of 1917.

(ii) *A tender of payment of money in the Federated Malay States, if made in the above-mentioned currency notes, shall be a legal tender* E. 25 of 1917

(a) *in the case of notes of the denomination of five cents, ten cents, and twenty-five cents, for the payment of amounts not exceeding two dollars ;*

(b) *in the case of notes of other denominations, for the payment of any amount.*

(iii) Every such currency note shall be a legal tender only for the amount of its denomination.

5. It shall not be lawful for any bank to make or issue within the Federated Malay States bank notes payable to bearer on demand. Prohibition  
of local bank  
notes.

#### FIRST SCHEDULE.

#### ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak .. ..	7 of 1907	The Legal Tender Enactment, 1907
Selangor .. ..	8 of 1907	Do.
Negri Sembilan	11 of 1907	Do.
Pahang .. ..	8 of 1907	Do.

#### SECOND SCHEDULE.

#### STANDARD COIN.

Coin.	Metal.	Millesimal fineness.	Standard weight.		Least current weight.	
			Grains.	Grms.	Grains.	Grms.
Straits Settlements dollar	Silver	900	312·00	20·217	308·00	19·958

THIRD SCHEDULE.  
SUBSIDIARY COINS.

1 Proportion of dollar for which tender.	2 Coin.	3 Metal.	4 Millesimal fineness.	5 Standard weight.		6 Least current weight.	7 Limit of tender.
				Grammes.	Grains.	Grammes.	
.50	Straits Settlements fifty cent piece ..	Silver	900	156.00	10.108	154.0	any amount
.20 <sup>1</sup>	twenty cent piece ..	"	400	83.81	5.430	79.6	2 dollars
.10 <sup>1</sup>	ten cent piece ..	"	400	41.90	2.715	39.8	"
.05 <sup>1</sup>	five cent piece ..	"	400	20.95	1.357	19.9	"
.01	one cent piece ..	(Copper or mixed metal)	..	90.00 <sup>2</sup>	5.832 <sup>2</sup>	..	1 dollar
.005	half cent piece ..	"	..	72.00	4.665	..	"
.0025	quarter cent piece ..	"	..	36.00	2.333	..	"

<sup>1</sup> See E. 23 of 1918.

<sup>2</sup> E. 11 of 1919.

FOURTH SCHEDULE.  
GOLD SOVEREIGN.

Coin.	Metal.	Millesimal fineness.	Standard weight.		Least current weight.		
			Grains.	Grammes.	Grains.	Grammes.	
Sovereign	..	Gold	916·6	123·274	7·988	122·500	7·93787

## ENACTMENT NO. 22 OF 1913.

An Enactment to provide for Protection against Dangers arising from the Navigation of Aircraft.

ARTHUR YOUNG,  
*President of the Federal Council.*

[23rd December, 1913.  
30th December, 1913.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and  
commence-  
ment.

1. This Enactment may be cited as "The Aerial Navigation Enactment, 1913," and shall come into force on the publication thereof in the *Gazette*.

Power to restrict  
navigation  
of aircraft ; and  
to prescribe  
conditions for  
aircraft coming  
from outside  
the Federated  
Malay States.

2. (i) The Chief Secretary to Government may, for the purpose of protecting the public from danger or for purposes of the defence or safety of the Federated Malay States, from time to time by order published in the *Gazette*

(a) prohibit the navigation of aircraft over such areas as may be prescribed in the order ; or

(b) prescribe the areas within which aircraft coming from any place outside the Federated Malay States are to land and the other conditions to be complied with by such aircraft.

(ii) When an order is made under this section for purposes of the defence or safety of the Federated Malay States, the area prescribed may include the whole or any part of the coast line of the Federated Malay States and the territorial waters adjacent thereto.

(iii) Any order published under this section may apply either generally to all aircraft or to aircraft of such classes and descriptions only as may be specified in the order and may prohibit the navigation of aircraft over any such prescribed area either at all times or at such times or on such occasions only as may be specified in the order and either absolutely or subject to such exceptions or conditions as may be so specified.

Contravention  
of order.

3. If any person contravenes the provisions of any order published under Section 2, he shall be guilty of an offence under this Enactment, unless he proves that he was compelled to do so by reason of stress of weather or other circumstances over which he had no control.

Penalty.

4. Any person guilty of an offence under this Enactment shall be liable on conviction to simple imprisonment for a term not exceeding six months or to fine not exceeding two thousand dollars or to both.

Power to  
compel  
compliance  
when aircraft  
disobeys  
signals.

5. If an aircraft flies or attempts to fly over any area prescribed under this Enactment for purposes of the defence or safety of the Federated Malay States or, in the case of an aircraft coming from any place outside the Federated Malay States, fails to comply with



any of the conditions as to landing prescribed by an order under Section 2, it shall be lawful for any officer designated for the purpose by rules made under this Enactment by the Chief Secretary to Government to cause such signal as may be prescribed by those rules to be given, and, if after such signal has been given the aircraft fails to respond to the signal by complying with such rules as may be made under this Enactment by the Chief Secretary to Government prescribing the action to be taken on such a signal being given, it shall be lawful for the officer to fire at or into such aircraft and to use any and every other means necessary to compel compliance, and every and any such officer and every other person acting in his aid and by his direction shall be and is hereby indemnified and discharged from any prosecution, penalty, action, or other proceeding for so doing.

## ENACTMENT NO. 23 OF 1913.

As amended by Fed. E. 14 of 1920.

An Enactment to provide for the regulation and control of Electrical Installations and of the generation, supply, and use of Electrical Energy.

ARTHUR YOUNG,  
*President of the Federal Council.*

[23rd December, 1913.  
1st March, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title,  
commencement,  
and repeal.

1. (i) This Enactment may be cited as “ The Electricity Enactment, 1913,” and shall come into force upon the 1st day of March, 1914.

(ii) Upon the coming into force of this Enactment the Enactment specified in the schedule shall be repealed ; provided that all rules made and licenses granted under the Enactment hereby repealed which were in force immediately prior to the commencement of this Enactment shall, so far as may be consistent with the provisions of this Enactment, be deemed to have been made and granted under this Enactment.

Interpretation.

2. In this Enactment and in any rules made thereunder the following terms shall, unless the context otherwise requires, have the respective meanings hereby assigned to them :

“ Apparatus ” means electrical apparatus and includes all apparatus, machines, consuming devices and fittings in which conductors are used or of which they form a part ;

“ Area of supply ” means the area outside which a licensee is not authorized by his license to supply energy ;

“ Chief Inspector ” and “ Inspector ” mean, respectively, the Chief Electrical Inspector and an Electrical Inspector appointed under Section 3 ;

“ Chief Secretary ” means the Chief Secretary to Government, Federated Malay States ;

“ Conductor ” means an electrical conductor arranged to be electrically connected to a system ;

“ Consumer ” means a person who is supplied with energy or whose premises are for the time being connected for the purposes of a supply of energy with any system ;

“ Danger ” means danger to health or to human life or limb from shock, burn, or other injury resulting from the generation, transformation, distribution, or use of energy and includes danger to property from fire resulting as aforesaid ;

“ Director ” means the Director of Public Works, Federated Malay States ;

“ Dishonestly ” has the meaning assigned thereto in the Penal Code ;

“ Electric supply line ” means a wire or conductor or other means for conveying, transmitting, or distributing energy, together with any casing, coating, covering, tube, pipe, or insulator enclosing, surrounding, or supporting the same or any part thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, or distributing energy ;

“ Energy ” means electrical energy when generated, transmitted, supplied, or used for any purpose except the transmission of a message ;

“ Generator ” means a dynamo of any type for the generation of energy ;

“ Government ” means the Government of the Federated Malay States and includes the Government of any of the said States ;

“ Government installation ” means an installation the property of or operated by the Government ;

“ Grievous hurt ” and “ Hurt ” have the meanings assigned thereto respectively in the Penal Code ;

“ Installation ” means the whole of any electrical plant, apparatus or works, including the means of transmission, the original source of power or prime mover and its auxiliaries and all buildings appurtenant thereto ;

“ Insulated ” means covered or protected by insulating material.

“ Insulating,” used as an epithet to characterize any substance ; means of such size, quality, and construction, according to the circumstances, as to afford to persons adequate protection from danger to health, life, or limb ;

“ License ” means a license issued under this Enactment authorizing the licensee to operate or work an installation ;

“ Licensee ” means a person authorized by license to work or operate an installation ;

“ Live ” means electrically charged ;

“ Management ” means the person or persons duly certified to possess the prescribed qualifications who is or are placed in control of an installation by the licensee ;

“ Main ” means an electric supply line through which energy is or is intended to be supplied ;

“ Motor ” means a motor of any type for the transformation of electrical energy into mechanical energy ;

“ Pressure ” means the difference of electrical potential between any two conductors or between a conductor and the earth, as read by a standard-volt meter ;

“ Prime mover ” means a machine supplying power to a generator for the purpose of generating energy ;

“ Private safety ” means the obviation of danger to individuals or to private property ;

“ Public installation ” means an installation, operated or controlled by a licensee, for the supply of energy to the Government, the public, or to any person other than the licensee ;

“ Public lamp ” means an electric lamp used for the lighting of any street, wharf, dock, or other public place ;

“ Public safety ” means the obviation of danger to the general public, to public property, and to roads, streets, railways, canals, docks, wharves, piers, bridges, gas-works, waterworks and their appurtenances, and telegraphic, telephonic, and other electrical signalling lines owned or operated by the Government ;

“ Resident ” means with reference to any land or property or any right or duty connected therewith or matter incidental thereto the Resident of the State wherein such land or property is located ;

“ Senior Warden ” means the Senior Warden of Mines duly appointed under the Mining Enactments, 1904 ;

“ State land ” has the meaning assigned thereto in “ The Land Enactment, 1911 ” ;

“ Street ” includes any way, road, lane, square, court, alley, passage, or open space, whether a thoroughfare or not, over which the public have a right of way and also the roadway and footway over any public bridge ;

“ System ” means an electrical system in which all the conductors and apparatus are electrically connected to a common source of electro-motive force ;

“ Transformation ” includes the transformation of pressure up or down and the conversion of alternating to direct current or *vice versa* by static, rotary, or electro-chemical means.

Appointment of officers.

3. (i) The Chief Secretary may by notification in the *Gazette* appoint so many Electrical Inspectors as he may think expedient to inspect installations and electrical plant, apparatus, and works and to perform such other duties as may be prescribed, and may in like manner appoint a Chief Electrical Inspector to supervise the methods and details of such inspection and of such duties as aforesaid and to perform such other duties as may be prescribed.

(ii) The carrying out of the said inspections and the performance of the said duties shall be under the administrative control of the Senior Warden.

(iii) The Senior Warden and the Chief Inspector shall have and may exercise all powers vested by this Enactment or by any rules thereunder in an Inspector.

License required for use of installation ; terms, conditions, and contents of licenses.

4. (i) Subject to such exceptions as may be prescribed by rule under Section 33, no person shall

(a) use, work, or operate or permit to be used, worked, or operated any installation ; or

(b) supply to or for the use of any other person energy from any installation

except under and in accordance with the terms of a license expressly authorizing such use or supply, as the case may be ; provided that nothing in this sub-section shall prohibit any person from supplying to consumers without license energy supplied to him from a duly licensed installation.

(ii) Such licenses may be granted by the Resident in consideration of such payments, if any, as he may think fit ; provided that no license shall be granted for any installation as a public installation until the Chief Inspector has certified in writing that the installation to be licensed has passed the prescribed tests and satisfies in all respects the requirements of this Enactment and the rules thereunder.

(iii) No license shall be capable of being transferred unless the consent of the Resident to the transfer be evidenced upon the license by writing under the hand of the Resident.

(iv) Licenses shall be subject to such conditions as may be prescribed by rule under Section 33 and to such further conditions, if any, as may in each several case be imposed, in the exercise of his discretion, by the Resident ; such last-mentioned conditions shall be set out in the license.

(v) Licenses may be for such periods as the Resident may in each several case approve ; provided that no license shall without the express approval of the Chief Secretary be for a period exceeding 21 years.

(vi) The period of duration of every license shall be set out therein, and in every license for a public installation there shall be set out

(a) the area of supply ;

(b) the declared pressure and the variations permitted therefrom ;

(c) the maximum charges payable by consumers ;

(vii) There shall be payable on the issue of licenses such fees as may be prescribed.

5. (i) A license may extend to authorizing the licensee to lay, place, or carry on, under or over State land, to the extent and in the manner specified in the license, such electric supply lines and to erect and maintain in or upon State land such posts and other apparatus as may in the opinion of the Resident be necessary or proper for the purposes of the licensed installation and such authority may be given or added to at any time during the currency of the license by endorsement thereon under the hand of the Resident.

Supply lines  
and other  
apparatus on  
State land.

(ii) All apparatus placed in or upon State land which shall not be removed therefrom within six months, or such longer period as the Resident may permit, after the expiration or other determination of the license under the authority whereof the same was so placed shall vest in and become the property of the Government.

6. (i) The Resident may in his discretion require that, before the issue of any license, such security as he may specify shall be furnished for the due observance of the terms and conditions of

Security ;  
suspension of  
and revocation  
of license.

the license and of the provisions of this Enactment and the rules thereunder.

(ii) A license may be at any time suspended or revoked by the Resident on breach of any of the conditions thereof or in default of payment of any moneys accrued due thereunder.

Restriction  
of use to  
specified  
purposes.

7. A licensee who is by the conditions of his license restricted to using for specified purposes only the energy generated thereunder shall not use such energy for any purpose other than those so specified.

Agreement for  
sale of  
installation to  
Government  
on termination  
of license.

8. (i) It may be made a condition of the grant of any license for an installation as a public installation that the licensee shall agree with the Government in writing that he will on the expiration or other determination of the license sell to the Government on the terms (if any) set out in the agreement the installation to which the license refers.

(ii) Where such agreement as aforesaid has been entered into and a license has been issued in pursuance thereof, then on the expiration or other determination of such license the licensee shall, except as may be expressly otherwise provided by the terms of the said agreement, sell to the Government the installation to which the license refers upon terms of payment by the Government to the licensee of the then value of all lands, buildings, works, materials, and plant of the licensee suitable to and used by him for the purposes of the installation, such value to be in case of difference determined by reference thereof to two arbitrators, one to be appointed by each party, and the arbitration shall have effect as though the same were in pursuance of a submission within the meaning of "The Arbitration Enactment, 1912." Provided that the value of such lands, buildings, works, materials, and plant shall be deemed to be their fair market value at the time of the purchase, due regard being had to the nature and the condition of such buildings, works, materials, and plant and to the state of repair thereof and to the circumstance that they are in such a position as to be ready for immediate working and to the suitability of the same to the purposes of the installation, but without any addition in respect of compulsory purchase or of good will or of any profits which may or might have been or be made from the installation or of any similar considerations. Any other questions which may arise in relation to such purchase may be determined by the Court of a Judicial Commissioner and such Court may fix the date from which such purchase is to take effect, and from and after the date so fixed, or such other date as may be agreed upon between the parties, all lands, buildings, works, materials, and plant so purchased as aforesaid shall vest in the Government freed from any debts or obligations of the licensee.

Power to enter  
on land for  
purposes of a  
Government  
installation,  
and to fix  
apparatus.

9. (i) For the necessary purposes of installing, maintaining, and repairing any system of distribution of energy supplied by the Government the Director or any person authorized by him in that behalf may at all reasonable times enter upon any lands, whether the same be or be not owned or occupied by any person, for the purpose of carrying out and may carry out all necessary works

and repairs and may in the course thereof fell or lop trees, remove vegetation, and do all other things necessary to the said purpose, causing as little damage as possible and paying full compensation to all persons interested for any damage that may be caused thereby.

(ii) For the necessary purposes of inspecting the installation, fitting or removing meters or other instruments for measuring the quantity of energy supplied to the premises, making or removing connections between mains and private fittings, repairing damage and for other proper cause the Director or any person authorized by him in that behalf may at all reasonable times enter upon any lands, houses, or buildings to which energy is to be or has been supplied by the Government.

(iii) The Director or any person authorized by him in that behalf may, with the approval of the Resident, cause such lamp-irons, lamp-posts, insulating material, brackets, stays, rosettes, or other apparatus to be put up or fixed upon or against the walls or palisades of any houses, buildings, or enclosures or to be put up or erected in such other place and manner as shall be deemed proper doing as little damage as may be practicable and making sufficient amends by way of repairs, restoration, or compensation to all persons interested for such damage as may be done: and may also cause such number of lamps of such sizes and sorts to be put on and affixed to such lamp-irons, lamp-posts, and brackets as shall be deemed necessary and may cause the same to be lighted during such hours as shall be deemed necessary.

9A. For the necessary purposes of installing any system of distribution of energy licensed under this Enactment, the licensee may lay place or carry on, under or over land other than State land such electric supply lines, and may erect in or upon land other than State land such posts and other apparatus as may be necessary or proper for the purposes of the licensed installation and may take such other action as may be necessary to render such installation safe and efficient.

Power to enter on land for purposes of a licensed installation and to fix apparatus.  
E. 14 of 1926.

Provided that before laying any such line or erecting such posts and apparatus the licensee shall serve on the owner or occupier of the land notice of his intention, together with a description of the nature and position of the lines posts and apparatus proposed to be so laid or erected, and of the nature of any other action proposed to be taken; and if within 21 days after the service of the notice, the owner or occupier fail to give their consent or attach to their consent any terms or conditions or stipulations to which the licensee objects, it shall not be lawful to lay the line or erect the posts or apparatus on the land without the consent of the Resident; and the Resident may, if after giving all parties concerned an opportunity of being heard he thinks it just, give his consent either unconditionally or subject to such terms, conditions, and stipulations as he thinks just.

9B. (i) When a line has been laid or posts or apparatus erected on any land under the provisions of Section 9A and the owner or occupier of the land desires to deal with the property in such a manner as to render it necessary or convenient that the line posts or apparatus should be removed to another part thereof, or to a

Owner of property may require removal or alteration of licensed installation.

higher or lower level, or altered in form he may require the licensee to remove or alter the line posts or apparatus accordingly.

(ii) If the licensee omits to comply with the requisition, the person making it may apply in writing to a Magistrate of the First Class within whose jurisdiction the property is situate to order the removal or alteration.

(iii) A Magistrate receiving an application under the last preceding sub-section may, in his discretion, reject the same or make an order, absolutely or subject to conditions, for the removal or alteration of the line posts or apparatus.

Appeal.

9C. (i) Any person aggrieved by any decision of the Resident under Section 9A, or by an order of the Magistrate under sub-section (iii) of Section 9B may appeal to the Court of a Judicial Commissioner.

(ii) No appeal shall be admitted after the expiration of thirty days from the date of the decision or order appealed against.

Power to enter on land to maintain and repair licensed installation.

9D. For the necessary purposes of maintaining and repairing a licensed installation the licensee or any person authorized by him in that behalf may at all reasonable times on giving due notice enter upon any lands, whether the same be or be not owned or occupied by any person, for the purpose of carrying out and may carry out all necessary repairs, and may in the course thereof fell or lop trees, remove vegetation and do all other things necessary to the said purpose, causing as little damage as possible and paying full compensation to all persons interested for any damage that may be caused thereby.

Reduction or cessation of supply ; liability.

10. (i) The Government and any licensee may, without incurring any liability for so doing other than a liability to make a proportionate abatement in the charges for the supply, reduce as it or he may think fit the quantity of energy supplied to any premises if by reason of any unforeseen circumstances it may appear that the supply of energy generated is insufficient to enable the full quantity to be conveniently supplied.

(ii) The Government shall not be liable for any damage to person or property or for any cessation of the supply of energy which may be due to unavoidable accident, fair wear and tear, or the reasonable requirements of the system or to defects in any installation not provided by the Government, but only when such damage or cessation shall be shewn to have resulted from negligence on the part of persons employed by the Government or from faulty construction on the part of the Government.

(iii) A licensee shall not be liable for any cessation of the supply of energy which may be due to unavoidable accident, fair wear and tear, or the reasonable requirements of the system, but only when such cessation shall be shewn to have resulted from negligence on the part of the licensee, his agents or servants, or from faulty construction.

Precautions in execution of work ; inspection of progress.

11. (i) The execution of all work in connection with the generation or supply of energy which may affect any street, railway, tramway, river, canal or other waterway or any system of irrigation drainage or water supply or any telegraphs, telephones, harbour



works or other public or private works, and the erection of any apparatus crossing, whether overhead or underground, any such way or work as aforesaid shall be carried out in the prescribed manner and without prejudice to public safety or private safety.

(ii) When an installation is under construction, every Inspector shall have free access for inspection at all reasonable hours of the work in progress and all reasonable facilities for such inspection shall be afforded by the persons controlling or carrying on the work.

12. On the completion of a new installation the owner thereof shall give notice in writing to the Chief Inspector, who will cause inspection and tests to be made within the prescribed period and if the installation satisfies the requirements of this Enactment and the rules thereunder will certify accordingly in the prescribed form.

Inspection of  
installation  
on completion.

13. In addition to periodical inspections during construction and final inspections on completion, all installations while in operation shall be inspected at least once in every six months and such further inspections may be made as the Chief Inspector may direct. The licensee and management and persons in control of all installations shall afford full facilities for inspection within reasonable working hours.

Periodical  
inspections  
of installations.

14. Except as may be otherwise provided by any exemption under Section 34, all installations which shall have been operated or whereof the construction shall have been completed or begun before the commencement of this Enactment shall be subject to this Enactment and the rules thereunder; provided that in the case of any installation which shall have been operated before the commencement of this Enactment no penalty shall be imposed for breach of Section 4 or Section 15 until after the expiration of twelve months from the commencement of this Enactment.

Installations  
completed or  
commenced  
before  
commencement  
of Enactment.

15. No installation or electrical plant or apparatus shall be worked or operated except by or under the control of persons possessing such qualifications and holding such certificates as may be prescribed, and no person not possessing such qualifications or holding such certificate shall work or operate any installation or electrical plant or apparatus except under such control as aforesaid.

Competent  
control.

16. (i) If the Resident is satisfied that the working or operation of any installation causes electrical interference with any telegraphic, telephonic, or other electrical signalling lines owned or operated by or on behalf of the Government, the Resident may at his discretion

Electrical  
interference  
with Govern-  
ment signalling  
lines.

(a) in the case of a licensed installation by notice to the licensee suspend the license, or

(b) in the case of an unlicensed installation prohibit by an order the working or operation thereof; and

until arrangements have been made to the satisfaction of the Resident for preventing the recurrence of such electrical interference as aforesaid, and if in the case of a licensed installation no such arrangements are so made then the Resident may revoke absolutely the license for the said installation.

(ii) For any loss caused to a licensee by the suspension or revocation of a license under this section the licensee shall be entitled to compensation from the Government, the amount whereof shall, unless settled by the mutual agreement of the Government and the licensee, be determined by two arbitrators, one to be appointed by the Government and the other by the licensee, and the provisions of "The Arbitration Enactment, 1912." shall apply to such arbitration as if the same were pursuant to a submission within the meaning of the said Enactment.

Precautions  
against  
atmospheric  
electricity.

**17.** Any department of the Government or any other consumer taking or using energy from an installation shall, if the Chief Inspector so requires, provide such means for obviating risk of damage to such installation by atmospheric electricity as may be directed by the Chief Inspector.

Restriction  
on connection  
with earth.

**18.** (i) No person shall in the generation, transmission, supply, or use of energy permit any part of his electric supply lines to be connected with earth except as may be required by rule under Section 33 or may be expressly permitted by the Chief Inspector.

(ii) In the event of any breach of the provisions of sub-section (i) the Chief Inspector may by written order require the licensee or management having control of any electric supply lines connected with earth to break such connection and may prohibit the use of any electrical supply line or works or of any installation until the order is complied with and every such order shall be complied with by the person concerned.

Protection of  
Government  
electrical  
works.

**19.** No person shall lay or carry any mains, pipes, conduits, or wires in, along, through, across, over, or under any street or place in a manner tending to interfere with or cause damage to any electrical works or apparatus of the Government without first obtaining permission from the Resident, which permission may be granted or withheld at his discretion or granted upon such terms as he may think fit to impose.

Use of energy  
supplied.

**20.** No consumer shall use energy supplied to him for purposes other than that for which it is supplied.

Exemption of  
apparatus from  
distress and  
attachment.

**21.** When any electric wires, meters, fittings, works, or apparatus belonging to the Government are placed in or upon any private premises for the purpose of supplying or measuring energy, and when any electric wires, meters, fittings, works, or apparatus belonging to a licensee are placed in or upon premises, not owned or occupied by such licensee, for the purpose of supplying or measuring energy, such wires, meters, fittings, works, or apparatus shall not be subject to distress nor be liable to be taken in execution under any process of a Court or in any bankruptcy or insolvency proceedings against any person.

Procedure in  
case of danger-  
ous defect in  
installation or  
apparatus.

**22.** (i) In the event of an Inspector finding in any installation or apparatus any defect which in his opinion is likely to cause danger he may, by notice in writing posted at the place where the installation or apparatus to which it relates is installed or working or served upon the licensee or owner thereof, suspend the operation and use of

such installation or apparatus until such defect is made good or removed, and in such case the said installation or apparatus shall not be operated or used so long as the said notice of suspension remains unrevoked.

(ii) Every licensee and every management and person in control of an installation becoming aware of a defect therein which is likely to cause danger and every consumer becoming aware of a defect in any apparatus which is likely to cause danger shall forthwith make a report thereof to an Inspector.

(iii) If in the opinion of the Chief Inspector any defect in an installation in respect whereof a license is in force is of such a nature that it cannot be made good or removed, the Senior Warden shall hold an enquiry and forward his finding to the Resident who may cancel the license.

**23.** The Chief Inspector and Inspectors are empowered to enter upon any premises, in or upon which any installation or apparatus may be, at any time between the hours of 6 a.m. and 6 p.m. and also at any other time when any installation or apparatus in or upon such premises may be at work.

Entry on  
premises.

**24.** (i) Whenever any accident causing or resulting in loss of life or grievous hurt to any person or serious injury to property has occurred in connection with any installation or electrical plant or apparatus, the owner or licensee thereof and the management thereof shall with the least possible delay report in writing to an Inspector the facts of the matter so far as they are known to them respectively, and the Inspector shall thereupon visit the place where the accident occurred and make a preliminary investigation of the circumstances and record in writing his finding upon such investigation, and if there has been any loss of life or there is reason to believe that any person has been fatally injured shall send a copy of his finding to the nearest Magistrate.

Serious  
accidents to be  
reported.  
Investigation  
and enquiry.

(ii) In the event of loss of life or grievous hurt to any person due to any accident in connection with any installation or electrical plant or apparatus no alterations or additions shall without the consent of an Inspector be made to any part of such installation, plant, or apparatus which may have contributed to cause such accident nor shall any alterations be made without such consent to the site of the accident until an Inspector has completed his investigation; provided that nothing herein contained shall operate to interfere with rescue work or work necessary for the general safety of life or property.

(iii) If upon a preliminary investigation under sub-section (i) it appears to the officer making such investigation that there is reason to believe that the accident was due to any failure to comply with the provisions of this Enactment or of the rules made thereunder or to neglect of any lawful order given by an Inspector, or if the officer making such investigation as aforesaid is satisfied that the accident might have been prevented if proper precautions had been taken and observed in the working of any installation or electrical plant or apparatus, the Senior Warden shall with the Chief Inspector as assessor hold an enquiry into the nature and cause of the accident

and shall forward to the Resident a copy of the evidence taken at such enquiry together with his finding thereon and such further report as may seem to him necessary, and if he is of opinion that criminal proceedings ought to be instituted against any person in connection with the accident he shall also forward to the Deputy Public Prosecutor a copy of the said evidence, finding, and report.

Prohibition of  
employment of  
children.

25. No licensee or management shall employ or permit to be employed on any service involving management of or attendance on or proximity to live apparatus not effectively insulated any person under the age of sixteen years.

Questions for  
decision by  
Chief Inspector,  
subject to  
appeal to  
Resident.

26. (i) In the event of any difference of opinion between a licensee and an Inspector or between a management or owner of any installation or apparatus and an Inspector regarding any structural question or question of fitting or adjustment in relation to any installation or apparatus, the matter shall be referred to and decided by the Chief Inspector.

(ii) From any decision of the Chief Inspector under sub-section (i) an appeal shall lie to the Resident ; provided that no such appeal shall, except by special permission of the Resident, be admitted after the expiration of forty-two days from the date when the decision appealed against was given. In dealing with any such appeal the Resident, after enquiry shall have been made into the subject-matter thereof in the manner provided in sub-section (iii) and after such further investigation, if any, as he thinks fit to make, may set aside or vary the decision of the Chief Inspector or may uphold the same, and the decision of the Resident shall be final and shall be carried into effect.

(iii) The subject-matter of any such appeal shall be referred by the Resident to the Senior Warden who shall hold an enquiry into the same with the assistance of two persons of electrical or other special skill and experience, to be nominated by the Resident as assessors. At the conclusion of such enquiry the Senior Warden shall forward to the Resident the evidence, if any, recorded by him together with his opinion and recommendations as to the decision proper to be given in the matter of the appeal, and any assessor who may dissent from the opinion or recommendations of the Senior Warden may deliver to the Senior Warden for transmission to the Resident a statement in writing of the reasons for his dissent.

(iv) Persons nominated by the Resident to serve as assessors under this section shall be summoned by the Senior Warden so to serve, and every person so summoned who shall assist as assessor at any enquiry held by the Senior Warden under this section shall be entitled to receive from the public funds such remuneration as the Chief Secretary may from time to time fix by notification in the *Gazette*.

(v) Any person summoned to attend as an assessor who without lawful excuse fails to attend as required by the summons or having attended departs without having obtained the permission of the Senior Warden or fails to attend after an adjournment of the enquiry after having been made aware that his attendance will be required shall be liable upon order made by the Senior Warden to a fine not

exceeding fifty dollars. When any person is so fined in his absence, the Senior Warden shall forthwith send to him a written notice of the fact requiring him to pay the fine or to shew cause before the Senior Warden within seven days why the same should not be paid. Any such fine may be enforced in manner provided by the Code of Criminal Procedure in force for the time being.

**27.** For the purpose of holding enquiries under this Enactment the Senior Warden shall have power to administer oaths and affirmations and shall be vested with the powers of a Magistrate of the First Class for compelling the attendance of witnesses, maintaining order, and otherwise duly conducting the said enquiries. Persons summoned to attend before the Senior Warden at any such enquiry shall be legally bound so to attend.

Powers of  
Senior Warden  
holding  
enquiry.

**28.** Except as in Sections 5, 10, and 21 provided, nothing in this Enactment contained shall operate to relieve any licensee or management from any civil or criminal liability arising otherwise than under this Enactment.

Liabilities  
unaffected.

**29.** The Chief Inspector and Inspectors appointed under Section 3 shall be deemed to be public servants within the meaning of the Penal Code.

Public  
servants.

**30. (i)** Any person who

Penalties.

- (a) wilfully so tampers with or adjusts any part of an installation as to cause or to be likely to cause danger to human life or limb or injury to any apparatus or other property : or
- (b) by any rash or negligent act or omission in respect of any part of an installation under his control causes hurt to any person or injury to property : or
- (c) dishonestly abstracts, consumes, or uses any energy,

shall be punishable with imprisonment of either description for a period not exceeding six months or with fine not exceeding five hundred dollars or with both.

(ii) Proof of the fitting, otherwise than by or by permission of the Government or a licensee, of such mechanical or other means as would facilitate the abstraction of energy shall, as against the person fitting the same or causing the same to be fitted, be evidence of such dishonest abstraction as is referred to in paragraph (c) of sub-section (i).

(iii) Any person who in contravention of the provisions of Section 4 supplies energy from an installation to or for the use of any other person shall be punishable with fine not exceeding two thousand dollars and if the contravention be continued with fine not exceeding two hundred dollars for every day on which the same is continued after the first day on which a conviction is had.

(iv) Any licensee who without express authority from the Government in that behalf supplies energy or lays down any electric supply line or constructs any electrical works outside the area of supply specified in his license shall be punishable with fine not exceeding five hundred dollars and any such unauthorized line or works may,

after conviction had under this sub-section in respect thereof, be removed by order of the Resident and the reasonable cost of such removal may be recovered from the licensee.

(v) Any licensee authorized by his license to supply energy to other persons who in breach of any conditions of his license or of any rule under this Enactment and without reasonable cause (the burden of proving which shall be on him) fails to supply energy to any consumer whose premises are within the area of supply specified in his license or discontinues the supply of energy to any such consumer shall be punishable with fine not exceeding one thousand dollars and in the case of a continued failure or discontinuance with fine not exceeding one hundred dollars for every day on which the failure or discontinuance is continued after the first day on which a conviction is had.

(vi) Any person who in contravention of the provisions of Section 4 uses, works, or operates or permits to be used, worked, or operated any installation shall be punishable with fine not exceeding five hundred dollars and if the contravention be continued with fine not exceeding fifty dollars for every day on which the same is continued after the first day on which a conviction is had.

(vii) Any person who wilfully injures any meter or other instrument used on or in connection with any Government installation or any licensed installation for recording the output or consumption of energy or dishonestly alters the index of any such meter or instrument or dishonestly prevents any such meter or instrument from duly recording the output or consumption of energy shall be punishable with fine not exceeding three hundred dollars.

(viii) Any person who without due authority in that behalf wilfully extinguishes or damages any public lamp or wilfully damages any post, bracket, or other means of support of a public lamp shall be punishable with imprisonment for a period not exceeding four months or with fine not exceeding three hundred dollars or with both.

(ix) Any person who wilfully or negligently causes energy to be diverted from its proper course or to be wasted or wilfully or negligently breaks, throws down, or damages any electric supply line or any post, pole, lamp, or other apparatus connected with the supply of energy shall be punishable with fine not exceeding five hundred dollars.

(x) Any person who contravenes any provision of this Enactment or of the rules thereunder for the contravention whereof no penalty is otherwise expressly provided or fails to comply with any order lawfully made in pursuance of this Enactment or the said rules and any licensee who fails to comply with any condition expressed or by virtue of this Enactment implied in his license shall be punishable with fine not exceeding two hundred and fifty dollars and if the contravention or failure be continued with fine not exceeding twenty dollars for every day on which the contravention or failure is continued after the first day on which a conviction is had.

**31.** No prosecution shall be instituted under this Enactment except by or at the instance of the Chief Inspector or an Inspector. Who may institute prosecutions.

**32.** Any punishment authorized by this Enactment may be imposed by the Court of a Magistrate of the First Class, notwithstanding that the same be in excess of the punishment which such Court is ordinarily empowered to impose. Powers of Court of First Class Magistrate.

**33.** (i) The Chief Secretary may from time to time make rules not inconsistent with the provisions of this Enactment to prescribe Rules.

- (a) the duties under this Enactment of the Senior Warden and any officers appointed under Section 3 ;
- (b) the times at which and the manner in which any installations or apparatus shall be inspected, the notice (if any) to be given in relation to inspections, and the preparations to be made by the licensees and the management for such inspections ;
- (c) the design, construction, protection, and maintenance of installations and apparatus, the conditions under which any installation or apparatus shall be worked or operated, and the prohibition of the use of dangerous apparatus ;
- (d) the means which may be employed (to the exclusion of other means) for the generation, transmission, transformation, distribution, and application of energy ;
- (e) the manner in which energy shall be measured and in which it is permitted to be, or is prohibited from being, supplied or used ;
- (f) the standards to be adopted for measurement of dimensions of installations and apparatus ;
- (g) the fees to be paid for the inspection of installations and apparatus, the form and contents of and the conditions to be implied in licenses, the form and duration of certificates, and the suspension, extension, and revocation of licenses and certificates ;
- (h) the qualifications to be possessed by persons before they may be entrusted with the control of any installation or apparatus ;
- (i) the nature of the tests to be employed for ascertaining whether persons possess the qualifications prescribed under paragraph (h) of this section, the form of certificates to be issued to persons found to possess the said qualifications, the manner and conditions of the issue thereof, and the fees to be paid for such tests and certificates ;
- (j) the measures to be taken and the fittings to be supplied and used in connection with installations in order to secure public safety and private safety ;
- (k) the manner of effecting alterations to installations in operation ;

- (l) the precautions to be taken on the relief of persons in control of installations and the manner of notifying to Inspectors the names and qualifications of persons placed in control of installations ;
  - (m) the manner of calculating the power of generators and motors ;
  - (n) the manner of holding enquiries under this Enactment ;
  - (o) the form of notices and the manner of service thereof ;
  - (p) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any nuisance likely to arise or arising from the working of any installation or apparatus ;
  - (q) the records to be kept in respect of installations, licenses, inspections, and any other matters to which this Enactment relates and the form thereof and the persons by whom the same are to be kept ;
  - (r) the time, place, and manner for the payment of moneys payable under this Enactment or the rules thereunder and the mode of collection and disposal thereof ;
  - (s) the fine with which the contravention of any rule made under this Enactment shall be punishable, provided that no such fine shall exceed five hundred dollars ;
  - (t) any other matters as to which it may appear to the Chief Secretary expedient to make rules for the better carrying out of the provisions of this Enactment.
- (ii) With exclusive reference to Government installations and to energy supplied therefrom and to apparatus connected therewith the Chief Secretary may also from time to time make rules to provide for
- (u) prescribing the charges to be made in respect of energy supplied and in respect of the inspection, testing, and maintenance of installations and apparatus and in respect of the fixing and testing of meters and in respect of any other services properly rendered on account of consumers ;
  - (v) regulating applications for energy and prescribing the manner of effecting the supply thereof and the incidence of the charges connected therewith ;
  - (w) regulating and varying the nature, pressure, and periodicity of the energy supplied ;
  - (x) regulating the supply and use of energy, the requiring of security from consumers and the discontinuance of the supply in cases where the consumer fails to observe the requirements of this Enactment or of any rule thereunder or is in arrears with his payments of any prescribed charges or uses defective fittings and also in other cases where such discontinuance may be deemed necessary or advisable ;
  - (y) prescribing the class or design, or classes or designs, of wires, fittings, and apparatus to be used by consumers and the manner in which they shall be fixed, arranged, protected, and controlled and providing for the erection, inspection, testing, and maintenance thereof ;



(z) appointing officers to collect all sums due to the Government in connection with Government installations and generally to do all acts necessary for the proper management of the supply of energy.

(iii) All rules made under this section shall be published in the *Gazette* and shall have the same force and effect as if they had been enacted in this Enactment.

(iv) In respect of moneys payable under this Enactment or any rules thereunder for energy supplied from Government installations or for apparatus or services connected therewith, if the same are prescribed to be payable to or at the office of a Sanitary Board the provisions of Sections 29 to 43, inclusive, of the Sanitary Boards Enactments, 1907, shall, so far as they are not inconsistent with this Enactment or with any rules thereunder, apply in the same manner and to the same extent as if such moneys were a rate payable under the said Sanitary Boards Enactments.

**34.** The Chief Secretary may by notification in the *Gazette* exempt from any or all of the provisions of this Enactment

Exemption  
from provisions  
of Enactment.

(a) any installation, or part thereof, owned by or worked by or on behalf of the Government;

(b) any installation, or part thereof, constructed before the commencement of this Enactment;

and may by a similar notification cancel any exemption so notified.

**35.** (i) No action shall be brought against any person for anything done or *bonâ fide* intended to be done in the exercise or supposed exercise of the powers given by this Enactment or by any rules made thereunder

Provision re-  
garding actions.

(a) without giving to such person one month's previous notice in writing of the intended action and of the cause thereof;

(b) after the expiration of three months from the date of the accrual of the cause of action;

(c) after the tender of sufficient amends.

(ii) In every action so brought it shall be expressly alleged that the defendant acted either maliciously or negligently and without reasonable or probable cause, and if, at the trial, the plaintiff shall fail to prove such allegation judgment shall be given for the defendant.

(iii) Though judgment shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the Magistrate before whom the action is tried shall certify his approbation of the action.

#### SCHEDULE.

#### ENACTMENT REPEALED.

State.	No. and year.	Short title.
Selangor	12 of 1906	The Electric Supply Enactment, 1906

## ENACTMENT NO. 24 OF 1913.

An Enactment to provide for the Regulation of public Billiard saloons, public Shooting-galleries, and other places of public Amusement.

ARTHUR YOUNG,

*President of the Federal Council.*

[23rd December, 1913.

1st January, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as "The Places of Public Amusement Enactment, 1913," and shall come into force on the 1st day of January, 1914.

(ii) On the coming into force of this Enactment the Enactments mentioned in the first schedule shall be repealed; provided that all rules made and licenses granted under any Enactment hereby repealed which were in force immediately prior to the commencement of this Enactment shall, so far as may be consistent with the provisions of this Enactment, be deemed to have been made and granted under this Enactment.

2. (i) No person not licensed in that behalf under this Enactment shall keep any place for the purpose of

(a) the public playing of billiards or bagatelle or any other game of a like kind; or

(b) a public shooting-gallery; or

(c) any other public amusement to which the provisions of this Enactment are for the time being applied.

(ii) A person keeping in any place a public billiard table, bagatelle board, or instrument used in any other game of a like kind at which persons are admitted to play shall be deemed to keep a place for the purpose of the public playing of billiards or bagatelle or such other game, as the case may be.

3. (i) Licenses under this Enactment may be granted in any State by and at the discretion of such person or persons as the Resident of such State may by notification in the *Gazette* appoint in that behalf, such person or persons being hereinafter referred to as "The Licensing Authority."

(ii) There shall be paid in respect of every license under this Enactment a fee of three dollars for every period of three months or part of such period, or such other fee as may from time to time be prescribed by rule under Section 11.

Short title,  
commencement,  
and repeal.

License  
required for  
billiard saloon,  
shooting-gallery,  
or other place of  
public  
amusement.

The Licensing  
Authority; fee  
for license.

4. (i) All licenses issued under this Enactment shall be subject to such conditions and restrictions as may be prescribed by rule under Section 11 and to such further conditions and restrictions, if any, as may in each several case be imposed by and at the discretion of the Licensing Authority; such last-mentioned conditions and restrictions shall be set out in the license.

Conditions and period of license.

(ii) No license under this Enactment shall be capable of being transferred unless the consent of the Licensing Authority to the transfer be evidenced upon the license by writing under the hand of the person, or one of the persons, constituting for the time being the Licensing Authority.

(iii) Licenses may be for such periods, not exceeding one year, as the Licensing Authority may in each several case approve.

(iv) The period of duration of each license shall be set out therein.

5. In any State a license may, with the approval of the Resident of such State, be at any time suspended or revoked by the Licensing Authority for the district or place to which the license relates on breach of any condition or restriction whereto the license is subject or on the conviction of the licensee of breach of any provision of this Enactment or of any rule thereunder.

Suspension and revocation of license.

6. (i) Any person who shall contravene the provisions of Section 2 shall be liable to fine not exceeding one hundred dollars and, in the event of such contravention being continued after a conviction had against such person under this section, to fine not exceeding fifty dollars for every day on which such contravention is continued.

Penalty for breach of Section 2.

(ii) The imposition of a penalty under this section shall not affect the liability of any person to a penalty under the provisions of "The Common Gaming Houses Enactment, 1912."

7. Any person licensed under this Enactment who shall commit a breach of any of the terms of his license or of any condition or restriction whereto his license is subject or of the provisions of any rule made under this Enactment shall be liable to fine not exceeding fifty dollars and for a second or subsequent breach to fine not exceeding one hundred dollars.

Penalty for breach of terms of license or of rule.

8. (i) Every person licensed under this Enactment shall put up and keep up during the continuance of his license the words "Licensed Billiard saloon," "Licensed Shooting-gallery," or as the case may be, legibly painted outside of, and near the principal entrance to, the licensed place.

Posting notice of license outside the licensed place.

(ii) Any person who shall contravene the provisions of this section shall be liable to fine not exceeding twenty-five dollars and, in the event of such contravention being continued after a conviction had against such person under this section, to fine not exceeding ten dollars for every day on which such contravention is continued.

9. It shall be lawful at all times for any police officer to enter into any place where any public billiard table, bagatelle board, or instrument used in any other game of a like kind is kept and also

Entry by Police.

into any place kept or used for the purposes of a public shooting-gallery or for the purposes of any public amusement whereto the provisions of this Enactment are for the time being applied by an order published under Section 11 (ii), and every person licensed under this Enactment who refuses to admit or does not admit any police officer desiring to enter shall be guilty of an offence and liable to fine not exceeding fifty dollars and for a second or subsequent similar offence to fine not exceeding one hundred dollars.

Form of license.

**10.** Licenses under this Enactment may be issued in any State in the form set out in the second schedule or in such other form as may from time to time be prescribed for such State by rule under Section 11.

Rules.

**11.** (i) In any State the Resident may with the approval of the Chief Secretary to Government from time to time make rules to give effect to the purposes of this Enactment, including provision for

- (a) the fees to be paid in respect of licenses issued under this Enactment ;
- (b) the form of licenses under this Enactment and the conditions and restrictions to which such licenses are to be by virtue of this Enactment subject ;
- (c) the proper management of places licensed under this Enactment and the days and hours on and at which such places are to be opened and closed ;
- (d) the regulation and control of games and amusements conducted in the said places, including the prohibition of the use of particular kinds of apparatus or of particular methods of conducting any such game or amusement ;
- (e) the safety and comfort of the public, the keeping of the peace, and the prevention of drunkenness and disorder in the said places.

(ii) The Resident may also with such approval as aforesaid by order published in the *Gazette*

(a) apply the provisions of this Enactment to any public amusement which appears to him proper to be brought within the scope thereof ;

(b) rescind any order published under this sub-section.

#### FIRST SCHEDULE.

#### ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak ..	8 of 1907	The Billiards Enactment, 1907
Selangor ..	11 of 1907	Do.
Negri Sembilan	10 of 1907	Do.
Pahang ..	9 of 1907	Do.

## SECOND SCHEDULE.

A.B., now residing at....., is hereby authorized to keep the place hereunder described for the purposes of.....subject to the provisions of "The Places of Public Amusement Enactment, 1913," and the Rules thereunder and to the following conditions and restrictions—that is to say.....

This license shall continue in force from the.....day of.....  
19..until the.....day of.....19..

.....,

*Licensing Authority.*

Place.....

Date.....

DESCRIPTION OF PLACE.

## ENACTMENT NO. 25 OF 1913.

An Enactment to provide for the reception into the Federated Malay States and the detention therein of Lunatics and Persons of Unsound Mind from places without the Federated Malay States.

ARTHUR YOUNG, [23rd December, 1913.]  
*President of the Federal Council.*

Not in force on 1st September, 1920.

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. This Enactment may be cited as “The Lunatics Reception Enactment, 1913,” and shall come into force upon such date as shall be appointed by the Chief Secretary by notification in the *Gazette*.

2. In this Enactment—

“Lunatic” includes a person of unsound mind and also includes an idiot ;

“Protected State” includes any State in the Malay Peninsula other than the Federated Malay States which is for the time being under the protection of the British Government ;

“Chief Secretary” means the Chief Secretary to Government, Federated Malay States.

3. (i) Whenever as regards a lunatic the Government of the Colony or of a protected State makes a representation to the Chief Secretary that it is expedient that such lunatic should be removed to the Federated Malay States there to be detained for the purpose of medical treatment and supervision and makes provision to the satisfaction of the Chief Secretary for the payment of all expenses which may be incurred by the Federated Malay States or any of them in the reception, maintenance, and detention of or otherwise in relation to such lunatic, the Chief Secretary may by warrant under his hand direct such lunatic when brought into the Federated Malay States to be received therein and conveyed to a Lunatic Asylum in such warrant mentioned and to be there detained until discharged in due course of law or until further order.

(ii) A lunatic shall not be received into the Federated Malay States under the provisions of this Enactment unless he be accompanied by a certificate, signed by a duly qualified Medical Practitioner employed in the public service of the Colony or of the protected State from which he is removed, in the form A in

the schedule, nor unless he be also accompanied by a statement in the form B in the schedule.

4. Lunatics received into the Federated Malay States under the provisions of this Enactment shall be subject to the law for the time being in force in the States in which they are respectively received or detained relating to the custody and control of the persons and estates of lunatics and to their discharge from custody, provided that where any such lunatic is so discharged he shall, unless the Chief Secretary otherwise direct, be returned to the Colony or State from which he came.

Lunatics so received to be subject to local law.

5. (i) The representation mentioned in Section 3 may be in the form C in the schedule and shall in the case of the Colony be signed by the Colonial Secretary of the Straits Settlements and in the case of a protected State by the British Adviser or British Agent, as the case may be.

Forms of representation and warrant.

(ii) Every warrant purporting to be issued in pursuance of this Enactment and to be under the hand of the Chief Secretary shall be received in evidence in every Court in the Federated Malay States without further proof and shall be evidence of the facts therein stated and all acts done in pursuance of such warrant shall be deemed to have been authorized by law. Such warrant may be in the form D in the schedule.

#### THE SCHEDULE.

##### FORM A.

##### MEDICAL CERTIFICATE.

I, the undersigned, being a duly qualified Medical Practitioner employed in the public service of the.....and being in actual practice as (Physician or Surgeon, as the case may be), hereby certify that I, on the.....day of.....at....., separately from any other Medical Practitioner, personally examined.....of..... (insert residence and profession or occupation, if any) and that the said.....is a (lunatic or an idiot or a person of unsound mind) and a proper person to be taken charge of and detained under care and treatment, and I found this opinion upon the following grounds—viz. :

1. Facts indicating insanity observed by myself (here state the facts).

2. Other facts (if any) indicating insanity communicated to me by others (here state the information and from whom).

(Signed).....

Dated this.....day of....., 19..

##### FORM B.

##### STATEMENT.

(If any particulars in this statement be not known, the fact to be so stated) :

Name of patient and patient's country or nationality, in full.....

Sex and age.....

Married, single, or widowed.....

Condition of life and previous occupation (if any).....

Religion, as far as known.....

Previous place of abode.....

Whether first attack.....

Age (if known) on first attack.....

When and where previously under care and treatment.....

Duration of existing attack.....

Supposed cause.....

Whether subject to epilepsy.....

Whether suicidal.....

Whether dangerous to others.....

Whether found on an enquiry held by a competent Court to be of unsound mind and the date of such finding.....

(Signed).....

Dated this.....day of....., 19..

(Where the person signing the statement is not the person who signs the representation (Form C), the following particulars concerning the person signing the statement are to be added—viz. :)

Occupation (if any).....

Place of abode.....

Degree of relationship (if any) or other circumstances of connection with the patient.

### FORM C.

#### REPRESENTATION.

I am of opinion that it is expedient that.....(a lunatic, etc.) be removed to the Federated Malay States there to be detained for the purpose of medical treatment and supervision.

(Signed) .....

Dated this.....day of....., 19..

### FORM D.

#### WARRANT.

“The Lunatics Reception Enactment, 1913.”

To the Commissioner of Police, Federated Malay States, and to the Officer in charge of the Lunatic Asylum at.....

Whereas a representation has been made to me by the Government of.....that it is expedient that.....be removed to the Federated Malay States to be detained here for the purpose of medical treatment and supervision :



Now I do hereby require you the said Commissioner of Police to receive the said . . . . . on his arrival in the Federated Malay States and convey him to the Lunatic Asylum at . . . . . and you the said Officer in charge of the said Lunatic Asylum to receive into your custody the said . . . . . and to detain him there until he is discharged in due course of law or until further order.

Given under my hand this . . . . . day of . . . . ., 19..

.....

*Chief Secretary to Government, F.M.S.*

## ENACTMENT NO. 2 OF 1914.

An Enactment to make better provision for the Protection of Women and Girls and for the Suppression of Brothels in certain cases.

ARTHUR YOUNG, [14th November, 1914.  
*President of the Federal Council.* 20th November, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title,  
commencement,  
and repeal.

1. (i) This Enactment may be cited as “The Women and Girls Protection Enactment, 1914,” and shall come into force on the publication thereof in the *Gazette*.

(ii) On the coming into force of this Enactment the Enactments mentioned in Schedule I shall be repealed ; provided that all appointments made, all security furnished and bonds made, all protection tickets furnished and notices of liberty supplied, and all places of safety declared under the provisions of any Enactment hereby repealed shall, so far as may be consistent with the provisions of this Enactment, be deemed to have been made, furnished, supplied, and declared under this Enactment and all rules and regulations made under any Enactment hereby repealed shall, so far as may be consistent with the provisions of this Enactment, be deemed to be rules made under this Enactment.

Interpretation.

2. (i) In this Enactment and in rules thereunder—

“Brothel ” means a house or place occupied or used by any two or more women or girls for the purpose of prostitution ;

“Inmate of a brothel ” means any woman or girl residing or being in a brothel at any time for the purpose of prostitution ;

“Keeper of a brothel ” includes the person who has the charge or management of a brothel ;

“Owner ” of a house means the person for the time being receiving the rent of the premises, whether on his own account or as agent or trustee for any other person, or who would receive the same if such premises were let to a tenant ;

“Protector ” means the Secretary for Chinese Affairs and includes such other officers as the Chief Secretary to Government may declare, by notification in the *Gazette*, to be vested with the powers conferred upon the Protector by this Enactment and in the absence of the said Secretary and all such officers as aforesaid from any administrative district includes the officer in charge of such district for the time being.

(ii) In the absence of proof to the contrary, a person who appears to be in charge of a brothel or to have authority therein shall be deemed to be the keeper thereof. Presumption.

3. (i) Every person who

- (a) sells, lets to hire, or otherwise disposes of or buys or hires or otherwise obtains possession of any woman or girl with intent that such woman or girl shall be employed or used for the purpose of prostitution either within or without the Federated Malay States or knowing or having reason to believe that such woman or girl will be so employed or used ; or Disposal for purposes of prostitution.
- (b) procures any girl under the age of twenty years or any woman or girl above that age not being a common prostitute or of known immoral character to have either within or without the Federated Malay States carnal connection, except by way of marriage, with any other person or for the purpose of prostitution either within or without the Federated Malay States ; or Procuring.
- (c) by threats or intimidation procures any woman or girl to have either within or without the Federated Malay States carnal connection with any other person ; or
- (d) by or under any false pretence, false representation, or fraudulent or deceitful means made or used either within or without the Federated Malay States brings or assists in bringing into the Federated Malay States any woman or girl with intent that such woman or girl shall be employed or used for the purpose of prostitution either within or without the Federated Malay States or knowing or having reason to believe that such woman or girl will be so employed or used ; or Importing.
- (e) brings into the Federated Malay States or receives or harbours any girl under the age of twenty years or any woman or girl above that age not being a common prostitute or of known immoral character knowing or having reason to believe that such woman or girl has been procured for the purpose of having carnal connection, except by way of marriage, with any other person or for the purpose of prostitution either within or without the Federated Malay States and with intent to aid such purposes ; or Harbouring.
- (f) knowing or having reason to believe that any woman or girl has been procured by threats or intimidation for the purpose of having carnal connection either within or without the Federated Malay States with any other person receives or harbours such woman or girl with intent to aid such purpose ; or
- (g) knowing or having reason to believe that any woman or girl has been brought into the Federated Malay States by any such pretence, representation, or means and with such intent or knowledge as are in paragraph (d) mentioned or has been sold or purchased with such intent or knowledge as are in paragraph (a) mentioned receives or harbours

such woman or girl with intent that she shall be employed or used for the purpose of prostitution either within or without the Federated Malay States ; or

- Detaining. (h) detains any woman or girl in a brothel against her will ; or  
 (i) detains any woman or girl in any place against her will with intent that she may be employed or used for the purpose of prostitution or for any unlawful or immoral purpose ; or
- Causing return to brothel. (j) causes by any means any woman or girl who left a brothel on her own initiative or on that of the Protector to return to such brothel against her will with intent that she may be employed or used for the purpose of prostitution or for any unlawful or immoral purpose or knowing it to be likely that she will be so employed or used ; or
- Girls under 15. (k) has carnal connection with any girl under the age of fifteen years except by way of marriage ; or  
 (l) attempts to do any act punishable under this section
- Attempts. shall be liable to imprisonment of either description for a term which may extend to two years or to a fine not exceeding five hundred dollars or to both.
- Male offender may be whipped. (ii) Any male person who is convicted under sub-section (i) (a) (b) (c) d) (e) (f) or (g) may at the discretion of the Court and in addition to any term of imprisonment awarded in respect of the said offence be sentenced to be once privately whipped.
- Presumptions. (iii) For the purposes of this section it shall be presumed until the contrary is proved that
- (a) a person who takes or causes to be taken into a brothel any woman or girl has disposed of such woman or girl with the intent or knowledge in sub-section (i) (a) mentioned ;
- (b) a person who receives any woman or girl into a brothel or harbours any woman or girl in a brothel has obtained possession of such woman or girl with the intent or knowledge in sub-section (i) (a) mentioned ;
- (c) a person has detained a woman or girl in a brothel or in a place against her will if with intent to compel or induce her to remain therein such person
- (1) withholds from such woman or girl any wearing apparel or other property belonging to her or any wearing apparel commonly or last used by her ; or
- (2) where wearing apparel has been lent or supplied to such woman or girl threatens such woman or girl with legal proceedings if she takes away such wearing apparel ; or
- (3) threatens such woman or girl with legal proceedings for the recovery of any debt or alleged debt or uses any other threat whatsoever.
- (d) a person causes a woman or girl to return against her will to a brothel which she has left if, with intent to cause her to return thereto, such person

- (1) claims from such woman or girl any wearing apparel or other property belonging to her and taken by her from the brothel ; or
- (2) threatens such woman or girl with legal proceedings for the recovery of any debt or alleged debt or actually institutes such legal proceedings ; or
- (3) makes use of any threats of injury or of any false representation or of force, restraint, fear, or other unlawful means.

(iv) It shall be a sufficient defence to any charge under sub-section (i) (k) that the person charged had reasonable cause to believe that the girl was above the age of fifteen years. Defence.

4. (i) Every person who buys, sells, or traffics in or imports into the Federated Malay States for the purpose of such traffic and whether or not for purposes of present or subsequent prostitution any girl under the age of 10 years shall be liable to imprisonment of either description for a term which may extend to six months or to fine not exceeding two hundred dollars or to both. Traffic in young girls.

(ii) Upon the trial of any person for any act punishable under this section evidence may be given that such person has bought, sold, trafficked in, or imported into the Federated Malay States or been concerned therein other girls under the age of ten years and if this be proved it shall be deemed, in the absence of proof to the contrary, that he has bought, sold, trafficked in, or imported, as the case may be, the girl in respect of whom an offence under this section is charged. Presumption.

5. (i) The Protector may at any time and in any place furnish, if he thinks fit, any prostitute found in a brothel with a protection ticket, which shall be written in English and Chinese or such other language (if any) as the Protector may direct and shall be in the form contained in Schedule II and be signed by the Protector. Protection tickets.

(ii) On the Protector furnishing a prostitute with a protection ticket, it shall be the duty of the keeper of the brothel wherein such prostitute is an inmate to see that such ticket is carefully preserved by the prostitute and not lost or destroyed and, if such protection ticket be lost or destroyed, to see that its owner apply at once for a new one. Any keeper of a brothel who makes default in carrying out this provision shall be liable to imprisonment of either description for a term which may extend to one year or to a fine not exceeding five hundred dollars or to both.

(iii) Any keeper of a brothel who by misrepresentation, fraud, or any other means takes away or causes to be taken away or allows any other person to take away such protection ticket from any prostitute in a brothel of which she or he is the keeper shall be liable to imprisonment of either description for a term which may extend to one year or to a fine not exceeding five hundred dollars or to both.

(iv) No prostitute to whom such protection ticket has been given by the Protector shall be removed from a brothel by the keeper thereof or be permitted by the keeper of a brothel to leave the brothel until such keeper has first taken the said prostitute before the

Protector and the Protector has signified his assent thereto. Any keeper of a brothel who by any means or representations removes or allows to be removed from a brothel any prostitute to whom such protection ticket has been given without first taking such prostitute before the Protector shall be liable to imprisonment of either description for a term which may extend to one year or to a fine not exceeding five hundred dollars or to both.

Keeper of  
brothel to take  
inmate under  
certain circum-  
stances before  
Protector, etc.

6. If any inmate of a brothel shall state to the keeper of such brothel that she wishes to leave the brothel or to take her protection ticket to the Protector or to complain to the Protector of ill-usage or of any breach of the provisions of this Enactment, the keeper of such brothel shall so soon as can reasonably be done take such inmate before the Protector or a Magistrate or a police officer and in default of so doing shall be liable to imprisonment of either description for a term which may extend to one year or to a fine not exceeding five hundred dollars or to both.

Posting in  
brothels of  
notice  
informing  
prostitutes of  
their liberty.

7. The Protector may supply to all keepers of brothels a notice in English and Chinese or such other language (if any) as the Protector may direct in the form contained in Schedule III informing prostitutes of their liberty and may direct that such notice be placed in a conspicuous position in the hall of the brothel and the manner in which it is to be so placed. Any keeper of a brothel who omits or refuses to place such notice in the brothel as directed or fails to preserve it when so placed or to change it for another when torn, defaced or otherwise rendered illegible shall be liable to a fine not exceeding one hundred dollars or to imprisonment of either description for a term which may extend to three months.

Woman or girl  
suffering from  
contagious  
disease.

8. (i) Every keeper of a brothel who permits any woman or girl suffering from contagious disease to be or remain in such brothel for the purpose of prostitution shall be liable to imprisonment of either description for a term which may extend to one year or to a fine not exceeding five hundred dollars or to both.

Presumptions.

(ii) For the purposes of this section a keeper of a brothel shall where any inmate of such brothel is suffering from a contagious disease be deemed to know that she is so suffering.

(iii) In any proceeding under this section proof that any woman or girl in a brothel was suffering from venereal disease at the date on which the keeper of such brothel is charged with permitting her to be or remain in such brothel shall, until the contrary is proved, be deemed sufficient evidence that she was in such brothel for the purpose of prostitution.

Protector may  
examine Asiatic  
women and  
girls entering  
the Federated  
Malay States  
and the persons  
in charge of  
them.

9. (i) The Protector or any person authorized in that behalf by the Protector in writing may require any Asiatic woman or girl who may at any time be entering the Federated Malay States and any person who may appear to have the custody or control of such woman or girl to appear before the Protector at any reasonable time and at any convenient place, and the Protector may examine such woman or girl as to her reasons for entering the Federated Malay States and may examine such person respecting such woman or girl, and such woman or girl and such person shall be legally bound to answer such questions truly to the best of their ability.

(ii) If the Protector has reasonable cause to suspect that any woman or girl has

Protector may require photograph and security in certain cases.

- (a) been brought into the Federated Malay States either after having been purchased or by fraud or misrepresentation or under any false pretence for the purpose of prostitution or of being sent from the Federated Malay States for immoral purposes ; or
- (b) been purchased in or out of the Federated Malay States with a view of being trained or disposed of as a prostitute ; or
- (c) is being detained against her will for the purpose of prostitution or of being sent from the Federated Malay States for immoral purposes ;

he may require any person in whose custody or under whose control she appears to be to furnish him with her photograph and to furnish security, to the satisfaction of the Protector, that such woman or girl shall not leave the district in which she then is without the previous consent in writing of the Protector and shall not be trained or disposed of as a prostitute or for immoral purposes and that she shall be produced before the Protector whenever he requires it.

(iii) In default of such photograph and security being furnished the Protector may, by warrant under his hand, order that such woman or girl be removed to a place of safety and there detained until she can be returned to the place whence she was brought or otherwise proper provision can be made for her protection.

Protector may order woman or girl to a place of safety.

10. (i) Whenever it shall appear to the Protector after such enquiry as is mentioned in the last preceding section that any woman or girl whose condition or circumstances are such as in that section mentioned is about to leave the district in which she then is, the Protector may, either in addition to or in lieu of such photograph and security as are mentioned in the said section, require the person in whose custody or control such woman or girl appears to be to furnish security, to his satisfaction, that such woman or girl shall present herself within a certain period at her destination to such Government officer as may be specified in the bond, whether such destination be within or without the Federated Malay States.

Security on departure of woman or girl from district.

(ii) In any legal proceedings to enforce such security the affidavit or statutory declaration of the officer referred to in the bond, purporting to be under his hand and to be attested by a Magistrate, to the effect that such woman or girl has failed to so present herself shall be conclusive evidence of such failure.

11. (i) If the Protector has reasonable cause to suspect that any girl is under the age of sixteen years and is being trained or used for purposes of prostitution or lives in or frequents any brothel or is habitually in the company of prostitutes or keepers of brothels or procuresses or persons employed or living in brothels or persons directly interested in the business carried on in brothels or by prostitutes, he may by warrant under his hand order such girl to be removed to a place of safety and there temporarily detained until an enquiry has been held by him.

Girls under 16 trained or used as prostitutes, etc.

(ii) If the Protector after holding such enquiry is satisfied that such girl comes within the provisions of sub-section (i) he may order such girl to be detained in the place of safety until further order or until she attains the age of nineteen years or marries, whichever first happens.

Detention  
pending  
judicial  
proceedings.

**12.** (i) The Court before which any charge is brought under this Enactment may order any woman or girl in respect of whom the offence is charged to have been committed to be temporarily detained until the completion of the trial.

(ii) Where any order is made under sub-section (i), the Protector shall receive and put in a place of safety such woman or girl and detain her for such time as may be ordered by the Court or until completion of the trial, as the case may be.

Detention by  
request or  
where protec-  
tion needed.

**13.** (i) The Protector may receive into and with the consent of the Chief Secretary to Government detain in a place of safety any woman or girl

(a) whose detention in a place of safety is requested in writing by her lawful guardian ; or

(b) whom the Protector may consider to need protection and whose lawful guardian cannot be found ; or

(c) whom the Protector may certify in writing to have been ill-treated and to need protection.

Period of  
detention  
where over 16.

(ii) No woman or girl appearing to be of the age of sixteen years or over at the time of her being received into a place of safety shall be detained under this section after such arrangements have been made for her welfare as the Protector may deem necessary nor in any case for a period exceeding two months.

Period of  
detention  
where under 16.

(iii) No woman or girl appearing to be under the age of sixteen years at the time of her being received into a place of safety shall be detained under this section after such arrangements have been made for her welfare as the Protector may deem necessary nor in any case after she attains the age of nineteen years or marries, whichever first happens.

Women and  
girls detained  
to be subject to  
rules.  
Absconding  
from detention.

**14.** (i) Every woman and girl detained under the provisions of this Enactment shall be subject to such rules as may be prescribed.

(ii) Every woman or girl detained or ordered to be detained under the provisions of this Enactment who leaves any place in which she is detained otherwise than in accordance with such rules may be arrested by any police officer or by any officer fully authorized thereto either specifically or in general by the Protector and taken back to such place.

Abetment.

(iii) Any person who induces or assists any woman or girl so detained as aforesaid to leave the place in which she is detained otherwise than in accordance with such rules or knowingly harbours any such woman or girl shall be liable to imprisonment of either description for a term which may extend to one year or to a fine not exceeding five hundred dollars or to both.



(iv) Any person loitering about the precincts of any place in which any woman or girl is detained under the provisions of this Enactment with the intention of communicating with such woman or girl or of intimidating her or of inducing her to leave such place shall be liable to a fine not exceeding one hundred dollars.

15. (i) In any State the Resident of such State may provide such land as shall be necessary and erect thereon suitable buildings as a place of safety for the purposes of carrying out the provisions of this Enactment and may defray the cost of the care, maintenance, and education of all women and girls detained therein.

Provision for  
maintaining  
places of safety.

(ii) Any buildings erected in any State as a place of safety under the provisions of this section shall be declared by the Resident of such State, by notification in the *Gazette*, to be a place of safety for the purpose of carrying out the provisions of this Enactment, and no place not so declared shall be used as a place of safety for the purposes of this Enactment.

16. (i) Every male person who

(a) knowingly lives wholly or in part on the earnings of prostitution; or

(b) in any public place persistently solicits or importunes for immoral purposes

Male traders  
in prostitution.

shall be liable to imprisonment of either description for a term which may extend to two years.

(ii) Any male person convicted under this section may at the discretion of the Court and in addition to any term of imprisonment awarded in respect of the said offence be sentenced to be once privately whipped.

Whipping.

(iii) Where a male person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction, or influence over the movements of a prostitute in such a manner as to shew that he is aiding, abetting, or compelling her prostitution with any other person or generally, he shall, unless he can satisfy the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

Presumptions.

(iv) If the Court of a Magistrate upon information has reason to suspect that any house or any part of a house is used by a female for the purposes of prostitution and that any male person residing in or frequenting the house is living wholly or in part on the earnings of the prostitute, such Court may issue a warrant authorizing any police officer to enter and search the house and to arrest such male person.

17. Every female who is proved to have, for the purposes of gain, exercised control, direction, or influence over the movements of a prostitute in such a manner as to shew that she is compelling her prostitution with any person or generally shall be liable to imprisonment of either description for a term which may extend to six months.

Female traders  
in prostitution.

Power to enter  
houses.

18. (i) The Protector or any officer generally authorized in writing by him may at all times, accompanied by an interpreter or otherwise, without notice enter any house which he may have reason to believe is used as a brothel or lodging-house for disorderly persons and interrogate all or any of the inmates of such house.

Penalty for  
obstructing.

(ii) Any person who shall refuse the Protector or such officer as aforesaid access to any such house or any part thereof or otherwise obstruct or hinder him in effecting any entrance or fail to produce the inmates when called on to do so or obstruct or hinder the Protector or such officer as aforesaid in interrogating such inmates or any of them shall be liable to a fine not exceeding one hundred dollars.

Power of  
search.

19. (i) The Protector or any officer specially authorized for that purpose in writing by the Protector may search any vessel, house, building, or other place where he has reasonable cause to suspect that there is any woman or girl who is or may be liable to be dealt with under the provisions of this Enactment or in which he has reasonable cause to suspect that an offence under this Enactment has been committed and may remove any such woman or girl to a place of safety to be there detained until her case be enquired into.

(ii) The Protector or such officer as aforesaid may search any vessel, house, building, or other place for the purpose of ascertaining whether there is therein any woman or girl who is or may be liable to be dealt with under the provisions of this Enactment or whether any offence under this Enactment is being committed and may remove any such woman or girl to a place of safety to be there detained until her case be enquired into.

(iii) Any person who shall refuse the Protector or such officer as aforesaid access to any vessel, house, building, or other place or shall otherwise obstruct or hinder him in effecting an entrance or in removing such woman or girl shall be liable to a fine not exceeding five hundred dollars.

Power to put  
questions and  
give orders.

(iv) (a) In carrying out any search under the provisions of this section the Protector or such officer as aforesaid shall have power to put questions and to give any such order or direction as may be necessary to the inmates of any vessel, house, building, or other place for the purpose of carrying out such search.

(b) The inmates of any vessel, house, building, or other place shall answer truthfully all questions put to them by the Protector or such officer as aforesaid and shall obey any order or direction given by him touching any matter or any person connected with such search.

(c) Any person who contravenes the provisions of paragraph (b) of this sub-section shall be liable to imprisonment of either description for a term which may extend to six months or to a fine not exceeding two hundred dollars or to both.

Causing  
disappearance  
of woman or  
girl on search.

(d) Any person who by force, restraint, fear, or other unlawful means forces, induces, or otherwise causes any woman or girl who is or may be liable to be dealt with under the provisions of this Enactment to conceal herself in or

leave any vessel, house, building, or other place being searched or about to be searched by the Protector or such officer as aforesaid under the provisions of this section, with the result that the search of the Protector or such officer is thereby evaded and made ineffectual or is attempted to be evaded and made ineffectual, shall be liable to imprisonment of either description for a term which may extend to one year or to a fine not exceeding five hundred dollars or to both.

20. (i) The Protector may summon any person who he may have reason to believe can give any information respecting any woman or girl suspected to have been brought into the Federated Malay States for immoral purposes or respecting any woman or girl suspected of being used or trained for immoral purposes or respecting any inmate of a brothel.

Power to  
summon  
witnesses, and  
procedure on  
enquiry by  
Protector.

(ii) The person so summoned shall attend at the hour and place in the summons specified and produce all documents in his custody, possession, or power relating to such woman or girl and answer truthfully all questions which the Protector may put to him respecting any such woman or girl or in any way relating to the matter being enquired into and shall also, if so required by the Protector, produce such woman or girl in the absence of reasonable excuse, proof whereof shall lie on the person called upon to produce such woman or girl.

(iii) The Protector shall at any enquiry held by him make complete notes of the evidence taken by him upon such enquiry and of his decision thereon and shall furnish to the Supreme Court a copy of such notes when called upon to do so by order of a Judicial Commissioner, suppressing in such copy the name of any person from whom information has been derived if he thinks it expedient to do so.

(iv) The Protector shall be deemed to be a public servant within the meaning of the Penal Code and may administer affirmations or oaths to and examine on affirmation or oath any person summoned before him for the purposes of this Enactment.

(v) If the person summoned fails to attend at the hour and place specified in the summons or to do any of the other acts referred to in sub-section (ii), he shall be liable to a fine not exceeding five hundred dollars.

Penalty.

(vi) The Protector shall not be compellable in any judicial proceeding to answer any question as to the grounds of his decision in any case dealt with by him under this Enactment or as to anything which came to his knowledge in any enquiry made by him as Protector.

21. Whenever the Protector, after enquiry, has reason to believe that a breach of any of the provisions of this Enactment is about to be or has been committed by any person, the Protector may direct that such person be photographed at such time and place and in such manner as the Protector may think fit, and the person so directed shall submit to be photographed at such time and place

Protector may  
cause persons  
to be photo-  
graphed.

and in such manner as the Protector thinks fit and in default of so doing shall be liable to imprisonment of either description for a term which may extend to six months or to a fine not exceeding two hundred dollars or to both.

Resident may order removal of woman or girl to place of safety in another State.

22. (i) Every woman or girl detained in a place of safety under the provisions of this Enactment may, on the application of the Protector to the Resident of the State in which such woman or girl is detained, be removed by order under the hand of the Resident from such place of safety in such State to such place of safety in another State as the Resident may direct, and the order of removal shall be carried out in such manner as the Resident thinks fit.

(ii) No such order shall be made except with the consent of the Resident of the State to which such woman or girl is to be removed, and such consent shall be expressly set forth under the hand of the said Resident on the face of the said order.

Provision against intimidation of woman or girl.

23. Whenever the Protector is dealing with any woman or girl under the provisions of this Enactment and such woman or girl is in the public office of the Protector or is being removed to it or from it, if any keeper of a brothel or other person present, who appears to be in charge of or to have authority over such woman or girl, by word or gesture or any other means induces such woman or girl to refuse to go to a place of safety or otherwise to disobey the lawful orders of the Protector or by word or gesture intimidates such woman or girl with intent that she shall be afraid to disclose the circumstances of her case, the Protector may forthwith order such person to leave the neighbourhood of the public office and to abstain from holding any further communication with such woman or girl until the Protector gives permission, and any person who disobeys such order shall be liable to imprisonment of either description for a term which may extend to three months or to a fine not exceeding one hundred dollars or to both.

Provision as to service of processes, etc.

24. (i) All processes, notices, and other documents issued under this Enactment shall be deemed to have been validly and effectually served if served on or left with the person intended to be served or, if he cannot be found, if left at his last known place of business or abode by any person authorized in that behalf by the Protector.

Arrest without warrant.

(ii) The Protector and any officer of his department and all police officers may arrest without warrant and take before a Magistrate any person found committing any offence punishable under this Enactment.

Presumptions arising out of warrants.

25. Every warrant purporting to be issued in pursuance of this Enactment and to be under the hand of the Protector shall be received in evidence in any Court without further proof and shall be *prima facie* evidence of the facts therein stated and all acts done in pursuance of such warrant shall be deemed to have been authorized by law.

Provision as to bonds.

26. (i) All security bonds made in pursuance of the provisions of this Enactment shall be made with the Protector for the time being.

(ii) In the case of bonds so made, upon each occurrence of a change of Protector the new Protector shall be deemed to take the place of and be substituted for the Protector whom he succeeds as obligee on the bond and shall become such obligee for all intents and purposes.

(iii) All moneys recovered by the Protector on any bond shall be paid to the Treasurer for the benefit of the public revenue.

(iv) The Protector may, for reasons to be recorded by him in writing, refuse to accept as surety in any bond under the provisions of this Enactment any person whom he has reason to suspect or to believe to be in any way connected with the buying or selling of women or girls for immoral purposes or to be otherwise an unfit person.

Any person aggrieved by a refusal of the Protector under this sub-section may make an application in the matter to the Supreme Court, and such Court may either confirm the refusal of the Protector or may make such other order as to it may seem fit.

(v) No stamp duty shall be charged on security bonds made under or in pursuance of the provisions of this Enactment.

**27.** (i) Whenever any house or any portion thereof is used as a brothel or lodging-house for prostitutes or disorderly persons, a Magistrate of the First Class or the Protector may at any time issue a summons in the form of Schedule IV to the tenant, occupier, or keeper of the said house or portion thereof, and, if the Magistrate or Protector is satisfied that the said house or any portion thereof is used as a brothel or lodging-house for prostitutes or disorderly persons, he shall order the tenant, occupier, or keeper to discontinue such use of it within such time, not exceeding thirty days, as may be specified in the order and may take such measures as may be necessary for carrying the order into effect.

Suppression of  
brothels.

(ii) If the order is not complied with within the time therein specified, the tenant, occupier, or keeper of such house shall be liable to imprisonment of either description for a term which may extend to three months or to a fine not exceeding three hundred dollars and shall be further liable to a fine not exceeding twenty-five dollars for every day that the house or any portion thereof shall be so used after the time fixed by the said order.

**28.** If the tenant, occupier, or keeper of any premises not being the owner thereof has been convicted of any offence under this Enactment in respect of such premises and the owner of such premises has received notice of such conviction, such owner shall in the event of any subsequent conviction of any person of a like offence in respect of the same premises during his ownership thereof be liable to a fine not exceeding five hundred dollars.

Liability of  
owner of  
premises.

**29.** The Chief Secretary to Government may appoint such officers as may be necessary for carrying out the provisions of this Enactment.

Appointment of  
officers.

**30.** (i) The Chief Secretary to Government may make rules for and in respect of all or any of the following purposes or matters :

Rules.

- (a) the care, detention, temporary absence, maintenance, and education of women and girls detained under this Enactment ;
- (b) the manner and conditions in and under which the powers conferred by this Enactment shall be exercised by the persons on whom such powers are conferred ;
- (c) and generally in relation to any matters, whether similar or not to those above mentioned, as to which it may be expedient to make rules for carrying into effect the objects of this Enactment.

(ii) All such rules when made shall be published in the *Gazette* and from the date of such publication shall have the same force and effect as if enacted in this Enactment and any person disobeying or infringing any such rule shall be liable to imprisonment of either description which may extend to one month or to a fine not exceeding fifty dollars or to both.

Trial *in camera* in certain cases.

**31.** (i) When any person is charged with or convicted of having committed an offence under this Enactment or Section 375 of the Penal Code in respect of a girl under the age of twelve years, the Court

- (a) conducting a preliminary enquiry, or
- (b) trying such offence, or
- (c) hearing any appeal, or
- (d) hearing any question reserved by a Judicial Commissioner or by a Magistrate,

may order that all proceedings before it be dealt with *in camera*.

(ii) Whenever any such order shall be made, the Court shall not be deemed an open Court and the Court shall order that no person shall have access to or be or remain in such Court except such persons as are necessary for the purposes of the enquiry, trial, or hearing.

Protection of persons executing Enactment.

**32.** (i) No prosecution shall be instituted or action brought against any person for anything done or *bonâ fide* intended to be done in the exercise or supposed exercise of the powers given by this Enactment or by any rules made thereunder

- (a) without giving to such person one month's previous notice in writing of the intended prosecution or action and of the cause thereof ;
- (b) after the expiration of three months from the date of the act in respect of which the prosecution or action is intended to be instituted or brought ;
- (c) in the case of an action, after tender of sufficient amends.

(ii) If in any action judgment be given for the defendant, the defendant shall be entitled to his full costs of the action.

(iii) Though judgment be given for the plaintiff, the plaintiff shall not have costs against the defendant unless the Court before which the action is tried shall certify its approbation of the action.

## SCHEDULE I.

## ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak ..	7 of 1902	The Women and Girls Protection Enactment, 1902
Selangor ..	8 of 1902	Do.
Negri Sembilan	9 of 1902	Do.
Pahang ..	5 of 1902	Do.

## SCHEDULE II. (Section 5.)

## PROTECTION TICKET ISSUED BY THE PROTECTOR TO PROSTITUTES.

Whenever a prostitute has any grievance, she may come to the Protectorate, District Office, or Police Office, and complain. Anyone daring to prevent her will be arrested and punished. These tickets are to be always kept by you on the person.

## SCHEDULE III. (Section 7.)

## NOTICE.

Women and girls ! if any of you have been kidnapped, purchased, seduced, deceived, or pledged for money : or have been forced to swear before entering the brothel that you will act as prostitutes for a certain term of years—understand clearly that anyone who has committed any of these offences against you, and is detaining you in a brothel against your wishes, is breaking the law and will, if detected, be punished. If therefore you have any grievance, do not be afraid to tell the Protector on his visit of inspection or come in person to this office or go to the police station and report the matter at any time you please. If you want to leave the brothel and follow a protector, the Government will certainly let you do what you like and will not allow you to be detained against your will. All persons residing in the Federated Malay States are free agents and cannot be kept under the restraint of others. Be all of you then watchful ! Be not deceived by anyone ! Observe this notice !

Office of Protector,

Dated this                      day of                      191 .

## SCHEDULE IV. (Section 27.)

## SUMMONS.

Whereas it has been made to appear to me that you are the tenant, occupier, or keeper of. . . . .and that such house or a portion thereof is used as a lodging-house for prostitutes or disorderly persons, you are hereby required to attend in person at the Court of. . . . .at. . . . .on the. . . . .day of. . . . .191. . ., at. . . . .o'clock in the forenoon to shew cause why you should not be ordered to discontinue such use thereof.

.....

*Magistrate*

(or)

*Protector.*



## ENACTMENT NO. 3 OF 1914.

An Enactment to declare the terms and conditions applicable to Loans authorized to be raised by the Government of the Federated Malay States, and to provide for the creation of Inscribed Stock.

ARTHUR YOUNG, [14th November, 1914.  
*President of the Federal Council.* 20th November, 1914.]

WHEREAS it is expedient to define in one Enactment the terms and conditions applicable to loans hereafter authorized to be raised by the Legislature of the Federated Malay States : Preamble.

AND WHEREAS by Section 5 of the "Finance Act, 1898," of the Imperial Parliament of Great Britain and Ireland it is provided that a Secretary of State may apply the Colonial Stock Acts, 1877 and 1892, with the necessary modifications, to any British Protectorate or Protected State :

AND WHEREAS the Secretary of State for the Colonies has, in pursuance of the provisions above recited, by an instrument dated the 1st day of July, 1914, declared that the said Acts shall, with the modifications set forth in the schedule to the said instrument and with such other modifications as may be required to make the said Acts applicable to a British Protectorate or Protected State, be applied to the Federated Malay States :

AND WHEREAS it is expedient to provide for the creation of inscribed stock and to enable the Federated Malay States to take advantage of the provisions of the said Colonial Stock Acts, 1877 and 1892 ;

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as "The General Loan and Inscribed Stock Enactment, 1914," and shall come into force upon the publication thereof in the *Gazette*. Short title, commencement, and repeal.

(ii) Upon the coming into force of this Enactment the Enactments specified in the schedule shall be repealed.

2. In this Enactment, unless the context otherwise requires, Interpretation.  
"Chief Secretary" means the Chief Secretary to Government, Federated Malay States, and includes any person for the time being acting as Chief Secretary ;

"Crown Agents" means the person or persons for the time being acting as Crown Agents for the Colonies in England.

Loans to be raised by debentures or inscribed stock.

3. Whenever by any Enactment authority shall have been given, or shall hereafter be given, to raise any sum of money for the purposes mentioned in such Enactment, the Chief Secretary, or the Crown Agents acting on his behalf, may from time to time, as he or they may deem expedient, raise such sum either by debentures or by Federated Malay States inscribed stock or partly by debentures and partly by inscribed stock.

Loans to be a charge upon general revenue.

4. The principal moneys and interest represented by the debentures or inscribed stock issued under the provisions of this Enactment are hereby charged upon and shall be payable out of the general revenues and assets of the Federated Malay States and of each of them.

Borrowing upon debentures.

5. When the Chief Secretary, or the Crown Agents acting on his behalf, shall deem it expedient to raise money by debentures, such debentures shall be issued in London on behalf of the Government of the Federated Malay States by the Crown Agents upon the best and most favourable terms that can be obtained and shall be signed by any one of them on that behalf.

Amount of each debenture.

6. Every debenture issued under the provisions of this Enactment shall be for the sum of not less than one hundred pounds sterling and shall bear interest at a rate not exceeding five per cent. per annum.

Debentures may be redeemed by purchase in the market or by annual drawings or on a date fixed.

7. The debentures shall be redeemable at par at the option of the Government of the Federated Malay States by purchase in the market or by annual drawings or on a date to be named in that behalf by the Chief Secretary or by the Crown Agents acting on his behalf, as determined when issuing the debentures, such date not being later than sixty years from the date of issue, from and after which date all interest on the principal money represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Interest coupons.

8. There shall be attached to every debenture coupons for the payment of the interest to become due in each half-year upon the principal represented by the debenture. The coupons shall be sufficient in number to provide for the payment of the interest either during the whole period for which the debenture has to run or for such limited period as the Crown Agents, acting on behalf of the Government of the Federated Malay States, may determine.

Form of debenture and coupons.

9. The debentures and the coupons thereto shall be in such form as the Chief Secretary, or the Crown Agents acting on his behalf, may direct or approve.

Debentures and coupons transferable by delivery.

10. Every debenture and coupon, and the right to receive the principal and interest represented thereby, shall be transferable by delivery.

Registry of debentures.

11. Every debenture shall, before being issued, be registered in a register book to be kept for that purpose at the office in London of the Crown Agents.

12. The interest upon the principal represented by each debenture shall run from the day named in that behalf in the debenture and shall be paid half-yearly, on the days named in that behalf in the debenture, at the office in London of the Crown Agents.

Payment of interest.

13. So long as any of the debentures remain outstanding, the Chief Secretary shall, in each half-year ending with the day on which the interest on the debentures falls due, appropriate out of the general revenues and assets of the Federated Malay States a sum equal to one half-year's interest on the whole of the debentures issued, including any which may have been redeemed but exclusive of any which may have been at any time exchanged for inscribed stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day on which it falls due.

Mode of providing for payment of interest on debentures.

14. After the date specified in the Enactment authorizing the loan as that on which the contributions to the sinking fund shall commence, the Chief Secretary shall, in each half-year ending as aforesaid, appropriate out of the said revenues and assets of the Federated Malay States an additional sum for the formation of a sinking fund of not less than ten shillings sterling per hundred pounds on the total nominal amount of all the debentures issued, including any which may have been redeemed but exclusive of any which may have been at any time exchanged for inscribed stock, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

Further sums to be remitted for the redemption of the debentures.

15. The sinking fund shall be applied in the first place in payment of all expenses of, or incidental to, the redemption of the debentures and the cost and expenses of all notices required by this Enactment to be given and in the next place, and subject to the aforesaid payments, in repayment of the principal moneys for the time being represented by the debentures.

Application of sinking fund.

16. In the case of debentures redeemable on a date to be named when issuing the debentures, the Crown Agents shall invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year in the purchase of such securities as may be approved by His Britannic Majesty's Principal Secretary of State for the Colonies as a sinking fund for the final extinction of the debt, and the Crown Agents shall also invest the dividends, interest, or produce of such investments in the purchase of like securities and may, from time to time, with the approval of the said Secretary of State, change any such investments and shall hold such fund in trust for the repayment of the principal moneys for the time being represented by the debentures.

Creation of sinking fund for redemption of debentures payable on a fixed date.

17. In the case of debentures redeemable by annual drawings, the Crown Agents shall place and keep the moneys so remitted to them, or so much thereof as may not be required for immediate payments, at interest and shall hold all such moneys and the accumulations thereon in trust to apply them in the first place to the purchase of the debentures when they can be obtained at a price not exceeding par and, secondly, to the redemption of the debentures by means of annual drawings.

Disposal of sinking fund when debentures are redeemed by purchase or by annual drawings.

Appointment of day for drawing of debentures.

18. After the date specified in the Enactment authorizing a loan as that on which the contributions to the sinking fund shall commence in respect of that loan and so long thereafter as any of the debentures remain outstanding and unsatisfied, the Crown Agents shall in every year, unless the whole of the money applicable in that year to the redemption of debentures has been applied in the purchase thereof, appoint a day in that year for the drawing by lot of the debentures to be redeemed.

Notice of time and place appointed for drawing.

19. If a day is appointed for drawing, the Crown Agents shall give, by advertisement in the London "Times" newspaper, not less than fifteen days' previous notice, specifying the day on which, and the hour and place at which, the drawing will take place.

Mole of drawing.

20. On the day and at the hour and place so specified the Crown Agents shall hold a meeting, at which the holder of any debenture may, if he think fit, be present, and shall then in the presence of such debenture holders, if any, as may attend and of a notary public draw by lot, out of the whole number of debentures for the time being outstanding, debentures of the specified nominal amount.

Notice of debentures drawn for redemption.

21. The Crown Agents shall thereupon declare the distinguishing numbers of the debentures drawn for redemption and shall, as soon as may be, by advertisement in the London "Times" newspaper, specify those numbers and appoint a day, not being later as to each debenture than the day on which the then current half-year's interest thereon is payable, on which the principal moneys represented by the debentures so distinguished will be repaid.

Payment of drawn debentures.

22. On the day so appointed the Crown Agents shall at their office in London, on demand, pay to the holders of the debentures drawn for repayment the principal moneys represented by those debentures with all interest payable thereon up to that day.

Cesser of interest from day appointed for payment of principal.

23. From and after the day appointed for the repayment of any debenture all interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Redeemed debentures to be cancelled.

24. Upon the repayment of the principal moneys represented by any debenture, the debenture, with all the coupons thereunto belonging, shall be delivered up to the Crown Agents, to be by them cancelled and forwarded to the Government of the Federated Malay States. Any debenture redeemed by purchase shall likewise be so cancelled and forwarded.

Borrowing upon inscribed stock.

25. When the Chief Secretary, or the Crown Agents acting on his behalf, shall deem it expedient to raise money by the issue of Federated Malay States inscribed stock, then such stock shall be issued in England by the Crown Agents under the provisions of the Act of the Imperial Parliament of Great Britain and Ireland entitled "The Colonial Stock Act, 1877," upon the best and most favourable terms that can be obtained, provided that the interest on such inscribed stock shall not exceed four pounds per centum per annum.

26. All the inscribed stock which may be created under the provisions of this Enactment shall be redeemable at par on a date to be named in that behalf by the Crown Agents when issuing the stock, such date not being later than sixty years from the date of issue, from and after which date all the interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

When the principal is to be repaid.

27. So long as any of the prescribed stock shall remain unredeemed, the Chief Secretary shall, in each half-year ending with the day on which the interest on such inscribed stock falls due, appropriate out of the general revenues and assets of the Federated Malay States a sum equal to one half-year's interest on the whole of such inscribed stock and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day when it falls due.

Mode of providing for the payment of interest on inscribed stock.

28. After the date specified in the Enactment authorizing an issue of inscribed stock as that on which the contribution to the sinking fund shall commence, the Chief Secretary shall further appropriate out of the said revenues and assets in each half-year ending as aforesaid an additional sum for the formation of a sinking fund of not less than ten shillings per centum on the total nominal amount of such inscribed stock and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

Mode of providing for payment of principal of inscribed stock.

29. The Crown Agents shall, for the purpose of forming such sinking fund, from time to time invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year in the purchase of such securities as may from time to time be approved by His Britannic Majesty's Principal Secretary of State for the Colonies and shall also invest the dividends, interest, or produce of such investments in the purchase of like securities and may from time to time, with the approval of the said Secretary of State, change any such investments and shall hold such fund in trust for repayment of the principal moneys for the time being represented by the inscribed stock.

Creation of sinking fund.

30. In case the sinking funds provided for by this Enactment shall be insufficient for the payment of all the principal moneys borrowed under the authority of this Enactment at the time the same shall have become due, the Chief Secretary shall make good the deficiency out of the general revenues and assets of the Federated Malay States.

Charge upon general revenue.

31. All expenses of or incidental to the management of the sinking fund, or to the payment of the principal moneys borrowed, shall be paid out of the sinking fund.

Expenses to be paid out of sinking fund.

32. The Chief Secretary shall also have, and may from time to time exercise, the following powers and authorities or any of them :

Powers of Chief Secretary.

- (a) He may authorize the Crown Agents when issuing any loan in the form of debentures to declare that such debentures will be convertible into inscribed stock at such dates and on such terms and conditions as may be prescribed by the Crown Agents at the time of the issue of the debentures.

Debentures convertible into inscribed stock on conditions prescribed by the Crown Agents at time of issue.

Conversion of  
loans generally.

- (b) He may declare all or any of the Federated Malay States loans, whether existing in the form of stock or debentures, to be convertible into inscribed stock, to be issued under the provisions of this Enactment.

Creation and  
issue of stock in  
exchange for  
other securities.

- (c) He may authorize the creation and issue of such an amount of inscribed stock in exchange for the securities held for such loans as may be necessary.

Creation and  
sale of inscribed  
stock or debentures to raise  
loans and for  
other purposes.

- (d) He may authorize the creation and sale of any such inscribed stock or debentures for the purpose of raising money for redeeming any outstanding loans, for paying any expense in the creation of inscribed stock and otherwise for carrying out the provisions of this Enactment.

Arrangements  
for conversion.

- (e) Any conversion so authorized may be effected either by an arrangement with the holders of existing securities or by purchase thereof out of moneys raised by the sale of inscribed stock or partly in one way and partly in the other.

Exchange of  
securities for  
inscribed stock.

**33.** Nothing in this Enactment contained shall authorize an increase of the capital or of the annual charge on any loan, except :

- (a) When securities exchanged for inscribed stock bear a rate of interest not less than the inscribed stock, an additional amount of inscribed stock may be created and issued to make up the difference in saleable value between the securities and the inscribed stock.

- (b) In the case of the conversion of securities into inscribed stock the Crown Agents shall issue such an amount of inscribed stock as may be required to defray the stamp duties and all other expenses incidental to the conversion.

- (c) In accordance with such terms and conditions as may be prescribed under Section 32 (a) of this Enactment.

Converted  
securities to be  
cancelled.

**34.** The securities exchanged or otherwise converted into inscribed stock under the provisions of this Enactment shall be forthwith cancelled by the Crown Agents, and the debentures surrendered shall be cancelled and transmitted to the Chief Secretary.

Trustees to  
apportion  
amount of  
sinking fund  
released by  
conversion.

**35.** The trustees of the sinking fund appointed under this Enactment, and acting under any Enactment authorizing the issue of any securities which may be exchanged into inscribed stock or cancelled or purchased under the provisions of this Enactment, shall determine what amount of the sinking fund held by them and created for repayment of such securities shall be released, and in the determination of such question the trustees shall take into consideration the value of the whole investments held by them on account of such sinking funds, the amount of the debt remaining a charge on such sinking funds, and such matters as the trustees may think fit to take into account.

Sinking funds  
released how to  
be disposed of.

**36.** So much of the sinking funds as may be released shall either be transferred to the trustees of the inscribed stock sinking fund or be disposed of in such a manner as the Chief Secretary with the consent of the Federal Council of the Federated Malay States may direct.

**37.** The Crown Agents may from time to time, at the request of the Chief Secretary, make arrangements for all or any of the following things :

Creation, inscription, issue, conversion, and transfer of inscribed stock.

- (i) For inscribing stock in their books.
- (ii) For managing the creation, inscription, and issue of inscribed stock.
- (iii) For effecting the conversion of loans into inscribed stock.
- (iv) For paying interest on inscribed stock and managing the transfers thereof.
- (v) For issuing inscribed stock certificates to bearer and, as often as occasion shall require, re-inscribing them.

**38.** This Enactment shall be applicable only to the raising of loans in England, and nothing in this Enactment contained shall prevent the raising of loans in the Federated Malay States or any of them upon such terms and conditions as shall be specified in any Enactment authorizing the raising of such loans.

Raising of loan in the Federated Malay States.

**39.** Nothing in this Enactment or in the repeal of the Enactments specified in the schedule shall affect the rights of any person who holds stock or bonds under the authority of any of the said Enactments.

Saving clause.

#### SCHEDULE.

#### ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak ..	2 of 1899	General Loan and Inscribed Stock Enactment, 1899
Selangor ..	5 of 1899	Do.
Negri Sembilan ..	3 of 1899	Do.
Pahang ..	7 of 1899	Do.

## ENACTMENT NO. 4 OF 1914.

An Enactment to provide for the transfer to the Straits Settlements of persons undergoing sentences of imprisonment in the Federated Malay States.

ARTHUR YOUNG, [14th November, 1914.  
*President of the Federal Council.* 20th November, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and  
commence-  
ment.

1. This Enactment may be cited as “The Transfer of Prisoners to the Colony Enactment, 1914,” and shall come into force on the publication thereof in the *Gazette*.

2. In this Enactment—

Interpretation.

“Sentence of imprisonment” means a sentence involving confinement in a prison, whether combined or not with labour, and includes a sentence awarded by way of commutation as well as an original sentence passed by a Court of Justice ;

“Criminal lunatic” means a person detained in custody by reason of his having been charged with an offence and either found to have been insane at the time of such offence or found or certified or otherwise lawfully proved to be unfit on the ground of his insanity to be tried for the same, and includes a person convicted of an offence and afterwards certified or otherwise lawfully proved to be insane.

Transfer by  
order of  
Resident.

3. Whenever any person is undergoing a sentence of imprisonment in any State, the Resident of such State may issue an order that such person be removed from the place where he is undergoing such sentence and be transferred to the Colony there to be delivered up to the custody of such persons as may be directed under the provisions of any law of the Colony to receive him ; provided that no such order as aforesaid shall be issued unless and until a request that such person may be transferred to the Colony there to undergo his sentence or the residue thereof has been addressed by the said Resident to the Colonial Secretary of the Colony and such request has been assented to on behalf of the Government of the Colony.

Contents of  
order.

4. Any order for removal under Section 3 shall be addressed to the officer in charge of the prison or other place wherein the person to be removed is detained and shall direct him to deliver up such person to the officer mentioned in that behalf in such order for the purpose of such transfer as aforesaid, and such person shall be delivered up accordingly.



5. Every order purporting to be issued in pursuance of this Enactment and to be under the hand of the Resident of a State shall be received in evidence in all Courts without further proof, and all acts done in pursuance of such order shall be deemed to have been authorized by law. <sup>Evidence.</sup>

6. The provisions of this Enactment shall apply to a criminal lunatic in like manner, so far as consistent with the tenor thereof, as they apply to a person undergoing sentence of imprisonment. <sup>Criminal lunatics.</sup>

## ENACTMENT NO. 8 OF 1914.

An Enactment to provide for the imposition of a condition relating to the more effective Cultivation of certain Country Lands.

ARTHUR YOUNG, [14th November, 1914.  
*President of the Federal Council.* 20th November, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and  
commence-  
ment.

1. This Enactment may be cited as “The Country Lands (Cultivation) Enactment, 1914,” and shall come into force upon the publication thereof in the *Gazette*.

Interpretation.

2. In this Enactment words defined in “The Land Enactment, 1911,” have the meanings thereby assigned to them and “country land” means land to which Part III or Part IV of “The Land Enactment, 1911,” applies.

Imposition of  
special  
cultivation  
condition.

3. In the case of any country land alienated after the 1st day of December, 1905, or to be alienated hereafter in respect whereof the Resident shall by memorandum under his hand and official seal duly certify that the same is subject to the condition set out in this section there shall by virtue of this Enactment be implied a condition that

- (a) one-twentieth part of the land shall be brought under cultivation during each of the five years next following the date of the grant or lease or entry in the mukim register, as the case may be, under which the said land is held ; and
- (b) one-quarter of the land shall be brought under cultivation between the beginning of the sixth and the end of the tenth year, reckoned from the date of such grant or lease or entry in the mukim register, as the case may be ; and
- (c) one-quarter of the land shall be brought under cultivation between the beginning of the eleventh and the end of the fifteenth year, reckoned as aforesaid ; and
- (d) one-quarter of the land shall be under cultivation at the end of the fifth year, one-half at the end of the tenth year, and three-quarters at the end of the fifteenth year, reckoned in each case as aforesaid.

Provided that the Resident shall not so certify as aforesaid in respect of any land already alienated except with the previous consent of all persons having in such land any interest duly registered under the law relating to land or to the transfer of land by registra-

tion of titles nor unless such consent be evidenced by writing under the hands of all such persons so consenting, attested in the manner specified in Section 43 of "The Land Enactment, 1911," or in the case of a corporation under its common seal and such writing be deposited with the Collector or the Registrar of Titles empowered to register dealings with such land.

4. The memorandum prescribed by Section 3 to be under the hand of the Resident shall be made in the Register of Titles or Register of Leases of State Land upon the duplicate of the grant or lease under which the land is held or in the Mukim Register, as the case may be, and shall be to the effect that the land is subject to the condition set out in Section 3 of "The Country Lands (Cultivation) Enactment, 1914."

Memorandum  
by Resident in  
Register.

5. (i) A condition imposed under this Enactment shall run with the land and shall bind the owner or owners thereof for the time being.

Operation of  
special  
condition.

(ii) A condition imposed under this Enactment in respect of land already alienated shall have in all respects the same effect as if it had been imposed at the time when such land was alienated.

6. Where a condition is imposed under this Enactment in respect of land already alienated, the owner or owners thereof shall, so soon as may be practicable, produce to the Collector or the Registrar of Titles empowered to register dealings with such land the document of title, if any, evidencing his or their title to such land, in order that there may be entered thereon under the hand and official seal of the Resident a memorandum that the land is subject to the condition set out in Section 3 of "The Country Lands (Cultivation) Enactment, 1914."

Production of  
title for entry  
of condition.

7. Notwithstanding any express provision that may be contained in any document of title excluding the land held thereunder from the operation of Section 5 of "The Land Enactment, 1911," every title to land which is subject to a condition imposed under this Enactment shall in respect of such condition be subject, by virtue of this Enactment, to the operation of the said Section 5 as if the condition imposed under this Enactment were a condition implied by the provisions of "The Land Enactment, 1911."

Implied  
condition for  
re-entry.

8. (i) The right of re-entry and forfeiture under Section 5 of "The Land Enactment, 1911," shall, when it arises from breach of a condition imposed under this Enactment, be restricted as follows :

Restriction on  
right of  
re-entry.

(a) no land which is under cultivation shall be liable to forfeiture ;

(b) in the case of contiguous blocks of land subject to a condition imposed under this Enactment and held by the same person the right of re-entry and forfeiture under Section 5 of "The Land Enactment, 1911," shall not arise so long as the condition imposed under this Enactment is fulfilled in respect of the aggregate area of such contiguous blocks.

(ii) In this section the term "contiguous blocks" has the meaning assigned thereto in Section 56 of "The Land Enactment, 1911."

## ENACTMENT NO. 10 OF 1914.

An Enactment to repeal and re-enact “ The Pawnbrokers Enactments, 1908,” being the law relating to Pawnbrokers.

ARTHUR YOUNG, [10th December, 1914.  
*President of the Federal Council.* 16th December, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and commencement.

1. (i) This Enactment may be cited as “ The Pawnbrokers Enactment, 1914,” and shall come into force upon the publication thereof in the *Gazette*.

Repeal and saving provisions.

(ii) Upon the coming into force of this Enactment the Enactments specified in the schedule hereto shall be repealed to the extent mentioned in the fourth column of the said schedule but all rules made or licenses granted under the Enactments hereby repealed which were in force immediately prior to the commencement of this Enactment shall until such rules be rescinded or such licenses expire, be deemed to have been made or granted under this Enactment.

Meaning of “ pawnbroker.”

2. In this Enactment the word “ pawnbroker ” shall mean and include any person who purchases or receives any article and pays money for or advances money upon the same to an amount not exceeding two hundred and fifty dollars with or under any undertaking, agreement, or condition, express, implied, or reasonably to be inferred from the nature of the dealing and the usage in respect thereof, that the said article may be afterwards redeemed or repurchased upon any terms whatsoever.

Pawnbroker's license.

3. (i) No person shall act as a pawnbroker except under a license granted under this Enactment.

What constitutes pawnbroking.

(ii) For the purposes of this section a person shall not be deemed to act as a pawnbroker in that he makes a loan of any sum of money exceeding one hundred dollars and receives any article in pawn as security for the same, provided that the rate of interest paid or payable upon such loan shall not exceed twelve per centum per annum and that no further or other profit or advantage be taken or agreed upon in respect thereof.

## LICENSES.

Power to grant licenses.

4. (i) The Resident of a State may grant to any person, hereinafter called a licensee, a license to act as a pawnbroker.

- (ii) Every such license shall be in the form prescribed and— Form of license.
- (a) Shall specify the premises in respect of which it is issued ;
  - (b) Shall be subject to the provisions of this Enactment and of the rules made hereunder and to the conditions endorsed thereon ;
  - (c) Shall be granted subject to the payment of such fees as may be fixed by the Resident of the State, with the approval of the Chief Secretary to Government ;
- (iii) No such license— Conditions upon which license is issued.
- (a) Shall be valid for a term exceeding three years ;
  - (b) Shall be granted until a bond in the prescribed form with two sureties, approved by the Resident of the State, has been entered into by the licensee for the proper conduct of his business under the license and for the payment of the fees during the term thereof and until security, whether by a deposit of cash or by mortgage of or charge upon immovable property or otherwise, has been furnished to the satisfaction of the Resident of the State for the due performance of the obligations of such bond ;
  - (c) Shall be transferred to any person without the permission in writing of the Resident of the State, nor without such permission be valid in respect of any premises other than those specified in the license.

5. The Resident of a State may, with the consent of the Chief Secretary to Government by notification in the *Gazette*, fix for a period not exceeding three years the number of licenses to be granted in any specified areas in such State and call for tenders in the prescribed form for the right to receive such licenses. Power to fix number of and call for tenders for licenses.

6. A license granted under this Enactment may be cancelled by the Resident of the State at any time— Cancellation of license.

- (a) If the licensee shall have been convicted of any breach of the provisions of this Enactment or of any rule made hereunder or of any condition of his license ;
- (b) If any fee payable in respect of such license or any portion thereof shall not be paid on the due date.

7. (i) Upon the expiration or sooner determination of any license the licensee shall keep open the licensed premises daily from 8 a.m. to 8 p.m. for the redemption of articles pawned with him and for all purposes of this Enactment, except the receiving of articles in pawn, shall continue to exercise the rights and privileges and be subject to the duties and liabilities of a licensed pawnbroker until the whole of the articles held by him in pawn have been redeemed or the latest period of redemption for any of such article has expired. Pawnshop to keep open after expiration of license for redemption of articles.

(ii) (a) Such licensee may, with the consent of the Resident of the State, enter into a contract with any person to undertake the duties and liabilities imposed and to exercise the rights and privileges conferred upon him by the last preceding sub-section, and, When pawnbroker may subcontract under preceding sub-section.

with such consent and upon such conditions as the Resident of the State may see fit to impose for the protection of pawners, may transfer to such person the possession of all articles held by him in pawn, and such person shall thereafter be deemed to be the pawnbroker in respect thereof.

Notice of transfer or sub-contract to be given.

(b) A notice in English, Malay, Chinese, and Tamil of every such transfer shall be posted on the premises of the transferee, at the office of the Protector of Chinese, and at every court-house and police station in the district in which the premises are situated.

When articles pawned may be moved from the licensed premises.

(c) The Resident of the State may authorize the person to whom such transfer has been made to deal with all such articles held in pawn in any specified place other than the licensed premises, and to remove such articles thereto.

Liability of pawnbroker not interfered with by transfer.

(d) Nothing in this section shall relieve the licensee from any liability under this Enactment for any act done or omitted to be done before the date of such transfer.

When order for licensee to deliver up articles in pawn and books of account may be made.

8. (i) Upon the expiration or sooner determination of any license the Resident of the State may, if he so think fit in the interests of the persons who have pawned articles to the licensee, issue an order to the licensee to deliver up to an officer named in such order all articles held in pawn by such licensee and all books and accounts kept by him in connection with his business of pawnbroking.

Powers of and procedure by officer taking possession of articles pawned and books of account.

(ii) Such officer may take possession of all such articles and books and accounts, using force if necessary, and may remove the same to a place of safety.

(iii) Such officer shall hold such articles subject to redemption under this Enactment in all respects as if such officer were himself the licensee.

(iv) Upon the redemption of, or the expiration of the period of redemption for, all such articles such officer shall, upon payment by the licensee of all reasonable expenses incurred, hand over to the licensee the amount of all sums received from pawners as payment of moneys borrowed and profit due and all the articles which have not been redeemed within due term and all the books and accounts.

(v) Such officer may, with the consent of the Resident of the State, enter into a contract with sureties with any person to hold such articles upon the terms upon which he himself is entitled to hold them, as set out in the two preceding sub-sections, and may, subject to such terms, transfer the possession of such articles, books, and accounts to such person.

## PAWNING.

9. Every licensee on taking any article in pawn shall—

Entry of pawning transaction in books and issue of pawn-ticket.

(a) Enter in a book to be kept in the prescribed form the prescribed particulars of the transaction and make the entries so required either in English or in Romanized Malay unless specially authorized in writing by the Resident of the State to make them otherwise ;

(b) Deliver to the pawner a pawn-ticket in the prescribed form.

**10.** Every pawner, on depositing any article in pawn, shall give to the pawnbroker on demand such true information as may be required for the purposes of the preceding section.

Pawner to give true information to pawnbroker.

**11.** (i) No licensee shall receive in pawn—

(a) Any article between the hours of 8 p.m. and 8 a.m. ;

(b) Any article from any person who appears to be intoxicated or who is under the age of sixteen years ;

(c) Any article bearing any mark or sign denoting it to be the property of the Imperial Government or of the Colonial Government or of the Government of the Federated Malay States or of any State thereof ;

(d) Any article which he may have reasonable cause to believe, whether from the nature of the article or from the person of the pawner or from the circumstances of the transaction or otherwise, to be offered for pawning without the consent of the lawful owner thereof.

Business hours and restrictions as to receiving articles in pawn.

(ii) No licensee shall carry on any part of his business of pawn-broking or keep any article received by him in pawn in any place other than the licensed premises.

Where articles pawned to be kept.

## CHARGES.

**12.** A licensee may take profit on a loan on any article pawned at a rate not exceeding that prescribed in the rules, and shall not demand or take any profit in excess of the prescribed rate, or demand or take any sum whatever in respect of any pawning other than such profit.

Rate of interest.

## REDEMPTION.

**13.** (i) Except as hereinafter provided every licensee at any time within six months from the date of the pawning of any article to him or within such longer term as may have been agreed upon by him with the pawner—

Period for and conditions of redemption.

(a) Shall deliver up such article to any person who may present the pawn-ticket issued by him in respect thereof and may tender payment of the sum borrowed thereon together with the amount of the profit chargeable thereon, and shall upon demand give to such person a receipt for all such moneys received from him ;

(b) Upon presentation by any person of the pawn-ticket issued by him in respect thereof and payment of the amount of profit chargeable in respect of such pawning, shall on demand by such person extend the term within which such article may be redeemed for a further period of not less than three months. A note of every such extension shall be made in the prescribed book and an endorsement thereof made on the pawn-ticket.

When time for redemption to be extended.

When pawn-broker may refuse to deliver up article without authority.

(ii) Every licensee who may have received notice not to deliver up any article from any police officer or from the owner of such article or of the pawn-ticket issued by him in respect thereof, or who may have reasonable cause to suspect that any article pawned to him or any pawn-ticket issued by him in respect of any such article has been dishonestly obtained, shall immediately report the matter to the nearest police station and shall retain such article in his possession until authorized to deliver it up by the officer in charge of such station or by a Magistrate.

Procedure when pawn-ticket lost.

14. (i) Any person claiming to be entitled to hold any pawn-ticket issued by any licensee and alleging that the same has been lost, destroyed, or fraudulently obtained from him, may apply to such licensee for a copy of the entry in his book concerning such article, and such licensee shall furnish such copy free of charge and without delay; and, during a period of seven days from the date of such application, shall refuse to deliver up such article to any person presenting such pawn-ticket.

Order by Magistrate.

(ii) Upon the application of any such person it shall be lawful for a Magistrate to give such order to such licensee as to the delivery of such article or the issue of a new pawn-ticket in respect thereof, as to such Magistrate may seem fit.

Pawnbroker's responsibility with regard to articles pawned.

15. (i) Every licensee shall exercise the same care and diligence in the custody of articles received by him in pawn as a prudent owner would exercise in the custody of his own property.

(ii) A licensee shall be responsible for the loss of any article received by him in pawn, whether such loss be caused by fire or otherwise, and shall also be responsible for the damage of such article by fire or in consequence of fire.

(iii) In the case of any article destroyed or damaged by or in consequence of fire the value of such article shall, for the purposes of the compensation of the pawnor, be assumed to be one quarter more than the amount of the loan thereon.

Compensation for articles damaged or lost while in pawn.

(iv) Upon complaint by any person that any article held in pawn by any licensee, which such person is entitled to redeem, has not been delivered to him on due demand or has become or been rendered of less value than it was at the time of pawning by or through the default or neglect or misbehaviour of such licensee, a Magistrate may, if he so think fit, order reasonable compensation to be paid by such licensee to such person; and any sum so ordered to be paid may, if the Magistrate so direct, be recoverable from such licensee as a fine.

Ownership of articles pawned on expiration of period for redemption.

16. (i) If any article pawned to any licensee shall not have been redeemed before the expiration of six months from the date of pawning, or of such longer period as may have been agreed between such licensee and the pawnor, or as may have been required in accordance with Section 13 (i) (b), such article shall become the property of the licensee.

Record of disposal of.

(ii) Every licensee shall keep a book in the prescribed form, in which shall be recorded particulars concerning the disposal of all articles which have become his property under this section. He



shall record all such particulars in English or in Romanized Malay unless specially authorized in writing by the Resident of the State to record them otherwise.

### PREVENTION OF UNLAWFUL DEALINGS.

17. Whenever any person shall under suspicious circumstances offer to pawn or to redeem any article, or whenever any person shall offer to pawn or redeem any article corresponding to the description given to any licensee by any police officer of any article lost or fraudulently or dishonestly disposed of or acquired, such licensee shall enquire of such person how he came into possession of such article or of the pawn-ticket, as the case may be; and if such person shall not satisfactorily account for his possession thereof or shall give false information as to such possession or as to the name and place of abode of himself or of the owner of such article or pawn-ticket, or if there be any other reason to suspect any dishonest dealing in respect of such article or pawn-ticket, such licensee shall detain such person and deliver him together with such article or pawn-ticket into the custody of a police officer.

*Procedure by pawnbroker when proposed transaction suspicious.*

18. Any police officer having reason to suspect that any person in or loitering about any pawnshop has with him any article dishonestly obtained, may detain such person and require him to produce any articles he may have with him; and if such person shall refuse to comply with such requirement or shall produce any article which such police officer has reason to suspect to have been unlawfully obtained, he may take such person to the nearest police station, there to be dealt with according to law.

*Power of police to call upon suspicious characters in or about pawnshops for explanation.*

19. Every licensee shall at any time on demand, by any Magistrate or by any police officer not under the rank of sergeant, or by any officer in charge of a police station, produce for examination all books kept by him for the purposes of his business and all articles received in pawn by him; and any Magistrate and any such police officer may at any time enter the licensed premises of any licensee to search for and examine any such articles or books and to search for any articles which he may have reason to suspect to be therein and to have been fraudulently or dishonestly disposed of or acquired, or in respect of which he may have reason to suspect that a breach of the provisions of this Enactment has been committed.

*Power to inspect licensee's books and premises and articles held in pawn by him.*

20. If in any proceedings before any Court or Magistrate it shall appear that any article which has been lost or dishonestly or fraudulently obtained or acquired is held in pawn by any pawnbroker, such Court or Magistrate may take evidence as to the circumstances of such pawning, and if such Court or Magistrate so think fit may order the delivery of such article to the owner either on payment to the pawnbroker of the amount lent thereon and of the profit due, or on payment of any part of such loan or profit, or without payment, as to such Court or Magistrate may seem just and fitting according to the conduct of the owner and the circumstances of the case.

*Restoration by pawnbroker of article dishonestly obtained and pawned to true owner.*

## PROVISIONS AS TO TRIALS AND PROCEEDINGS.

Magistrate of the First Class to have jurisdiction under Enactment.

21. All convictions, fines, forfeitures, and penalties under this Enactment or any rules made hereunder may be had and recovered in a summary way before a Magistrate of the First Class.

Reward to informers.

22. A Magistrate may adjudicate any portion of a fine imposed under this Enactment to the informer or to any person whom such Magistrate may deem to have suffered loss in consequence of any action on the part of the person upon whom such fine is imposed.

Magistrate may order public notice to be given calling for claims to articles forfeited under Enactment.

23. A Magistrate may order that such public notice as he deems fit shall be given calling upon all persons claiming an interest in any article forfeited under this Enactment to make claim within a specified period and may adjudicate upon any claim made; and after the expiry of such period all articles not so claimed shall become the property of the Government and may be disposed of by public auction or otherwise as such Magistrate may direct.

Complaint to be made within twelve months of offence.

24. A Magistrate shall not take cognizance of any complaint of any offence against this Enactment unless such complaint is made within twelve months from the date of the commission of such offence.

## PENALTIES AND FORFEITURES.

Penalty for pawnbroking without license.

25. Every person who shall act as a pawnbroker except under a license granted under this Enactment shall be liable for a first offence to any fine not exceeding one thousand dollars and for a second or subsequent offence to any fine not exceeding five thousand dollars and to imprisonment of either description for any period not exceeding six months or to both fine and imprisonment.

Penalty for breach of Enactment rules or license by pawnbroker.

26. Every pawnbroker who shall commit any breach of this Enactment or of any rule made hereunder or of any condition of any license granted to him, or who shall make default in complying with any lawful order given to him or with any obligation imposed upon him by this Enactment, shall in the absence of any penalty otherwise specified be liable to a fine not exceeding five hundred dollars.

Offences by public.

27. Every person who—

- (a) Pawns or attempts to pawn to a pawnbroker any article for the possession of which he is unable to satisfactorily account; or
- (b) Redeems or attempts to redeem an article by means of a pawn-ticket for the possession of which he is unable to satisfactorily account; or
- (c) Wilfully gives any false information to a pawnbroker as to the ownership of any article offered by him for pawn, or of any pawn-ticket, or as to the name and address of such owner or of himself; or
- (d) Wilfully gives any false information to a pawnbroker concerning any pawn-ticket alleged to have been lost, destroyed, or fraudulently obtained;

shall be liable to a fine not exceeding two hundred dollars or to imprisonment of either description for any period not exceeding three months.

Penalty.

28. All articles in respect of which an offence has been committed against this Enactment may, subject to any rights possessed in them by any person who has not been a party to such offence, be forfeited.

Forfeiture of articles.

### GENERAL.

29. (i) If a Magistrate, upon information and after such enquiry as he may think necessary, has reason to believe that any place is used for the deposit of any article in breach of this Enactment or of any article pawned in breach of this Enactment, he may issue a search warrant to search such place and take possession of such article and to convey the same to a police station or other place of safety.

Power to issue search warrant.

(ii) Such warrant shall convey to the person to whom it is addressed the same authority as is conveyed by a search warrant issued under the Criminal Procedure Code.

30. The Resident of a State may from time to time appoint, for such State by name or office, an officer to be called the Superintendent of Pawnbrokers and may, by notification in the *Gazette*, delegate to such officer such of his powers under this Enactment as he may think fit.

Power to appoint superintendent of pawnbrokers.

31. For the purposes of this Enactment anything done or omitted to be done by any agent or servant of any licensee in the course of or in relation to the business of pawnbroking shall be deemed to be done or omitted to be done by such licensee.

Liability of pawnbroker for acts of agent or servant.

32. In the case of the death or bankruptcy of any licensee the Resident of the State may, by endorsement on the license, transfer such license for the remainder of the term thereof to such person and on such conditions as he may deem fit.

Power to transfer license.

33. (i) The Resident of a State may, with the approval of the Chief Secretary to Government, make rules for any of the following purposes :

Power to make rules.

- (a) To define the duties and powers of a Superintendent of Pawnbrokers ;
- (b) To regulate the tendering for and the granting of licenses ;
- (c) To regulate the conduct of the business of pawnbroking by licensees ;
- (d) To regulate the pawning of articles by pawners ;
- (e) To prescribe forms of books and tickets to be used by licensees ;
- (f) To fix fees for licensees ;
- (g) Generally to give effect to the provisions of this Enactment.
- (ii) Such rules shall be published in the *Gazette* and shall come into force upon a date notified in the *Gazette*.

SCHEDULE.  
ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak ..	10 of 1908	The Pawnbrokers Enactment, 1908	The whole
Selangor ..	11 of 1908	Do.	„
N. Sembilan	9 of 1908	Do.	„
Pahang ..	2 of 1909	The Pawnbrokers Enactment, 1909	„

## ENACTMENT NO. 13 OF 1914.

### An Enactment for the Incorporation of the Secretary of the Methodist Episcopal Building and Location Board.

ARTHUR YOUNG.

*President of the Federal Council.*

[10th December, 1914.

16th December, 1914.]

WHEREAS the Methodist Episcopal Church is engaged in a Mission in the Malay Peninsula and Archipelago known as the Malaysia Mission of the Methodist Episcopal Church :

AND WHEREAS the said Malaysia Mission is possessed of certain lands in the Federated Malay States which are described in the schedule hereto and which are registered in the name of and vested in the Secretary of the Methodist Episcopal Building and Location Board :

AND WHEREAS the lands of the said Malaysia Mission are managed by the Board of Building and Location of the Malaysia Conference of the Methodist Episcopal Church consisting of the members of the Finance Committee of the Malaysia Conference of the Methodist Episcopal Church, the present Secretary of the said Board of Building and Location being the Reverend William Thomas Cherry :

AND WHEREAS by Ordinance No. V of 1908 of the Legislature of the Colony of the Straits Settlements it was enacted that the said William Thomas Cherry and his successors for the time being in the office of Secretary of the said Board of Building and Location should be incorporated and should have perpetual succession under the name of "The Secretary of the Methodist Episcopal Building and Location Board" :

AND WHEREAS it is expedient for conveyancing purposes to incorporate in the Federated Malay States the Secretary of the Methodist Episcopal Building and Location Board incorporated in the Colony as aforesaid and to vest in such Corporation the lands specified in the schedule hereto and the said William Thomas Cherry as such Secretary as aforesaid desires that the said lands be so vested :

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :

1. This Enactment may be cited as "The Methodist Episcopal Location Board Incorporation Enactment, 1914," and shall come into force on the publication thereof in the *Gazette*.

Short title and  
commence-  
ment.

The Secretary of the Methodist Episcopal Building and Location Board to be a body corporate.

2. The Secretary of the Methodist Episcopal Building and Location Board incorporated in the Colony by Ordinance No. V of 1908 shall be a body corporate and shall by the name of "The Secretary of the Methodist Episcopal Building and Location Board" have perpetual succession and shall and may have and use a corporate seal and the said seal may from time to time break, change, alter, and make anew, as to the said Corporation may seem fit; and the said Corporation is hereby empowered to enter into contracts and to cancel, vary, alter, and rescind the same, to acquire, purchase, take, hold, and enjoy movable and immovable property of every description and to sell, transfer, assign, surrender and yield up, charge, demise, re-assign or otherwise dispose of and deal with any movable or immovable property vested in the said Corporation upon such terms as to the said Corporation may seem fit and may lend money and may sue and be sued in all Courts of Justice.

Vesting of property.

3. All the immovable property specified in the schedule hereto is hereby vested in the said Corporation for the respective estates and interests for which the same is holden.

Use of the corporate seal.

4. All deeds, documents, and other instruments requiring the seal of the said Corporation shall be sealed with the seal of the said Corporation in the presence of the said William Thomas Cherry or his attorney duly authorized by a power of attorney valid within the Federated Malay States or in the presence of his successor for the time being in the said office of Secretary of the said Board of Building and Location or his attorney duly authorized as aforesaid and shall also be signed by the said William Thomas Cherry or his attorney so authorized as aforesaid or his said successor for the time being or his attorney so authorized as aforesaid, and such signing shall be and be taken as sufficient evidence that the said seal was duly and properly affixed and that the same is the lawful seal of the said Corporation.

Successive holders of the office of Secretary.

5. No person shall be deemed to be a successor of the said William Thomas Cherry in the office of Secretary of the said Board of Building and Location unless and until such person shall have caused an extract from the minutes of the said Board of Building and Location appointing him such Secretary, certified as correct by the Chairman of the said Board, to be filed in the office of the Chief Secretary to Government and a notification of such filing shall have appeared in the *Gazette*. Such notification shall be sufficient evidence of the appointment and that the person named therein is a successor of the said William Thomas Cherry in the office of Secretary of the said Board of Building and Location.

Registration of interests in immovable property.

6. Upon the written request of the said Corporation and the production of all proper documents of title relating to any of the immovable property specified in the schedule hereto and the payment of all lawful charges all Registrars of Titles and Collectors of Land Revenue and other officers shall make such entries, memorials, and endorsements in the registers kept by them respectively and do such acts and things as may be necessary for the due registration of the interests vested in the said Corporation by Section 3.

## SCHEDULE.

## IN THE STATE OF PERAK.

1. All that piece of land situate in the mukim of Kamunting in the district of Larut being lot No. 161 containing an area of 1 rood and 31 poles being all the land comprised in grant No. 324 registered in the register of titles Perak North volume IV folio 145.

2. All that piece of land situate in the mukim of Sitiawan in the district of Lower Perak being lot No. 1356 containing an area of 50 acres and 2 roods being all the land comprised in grant No. 6039 registered in the register of titles Perak South volume XXXIII folio 34.

3. All that piece of land situate at Ipoh in the mukim of Ulu Kinta in the district of Kinta containing an area of 1 acre 1 rood and 20 poles being all the land comprised in grant No. 1349 registered in the register of titles Perak South volume VIII folio 64.

4. All that piece of land situate in the mukim of Ulu Kinta in the district of Kinta containing an area of 3 acres 1 rood and 34 poles being all the land comprised in certificate of title No. 819 registered in the register of titles Perak South volume IIIA folio 19.

5. All that piece of land situate at Ipoh in the mukim of Ulu Kinta in the district of Kinta containing an area of 1 acre 3 roods and 21 poles being all the land comprised in grant No. 3931 registered in the register of titles Perak South volume XXII folio 49.

6. All that piece of land in the district of Ulu Kinta being lot No. 2172 containing an area of 1 acre 1 rood and 32 poles being all the land comprised in lease for land granted for special purposes No. 2.

7. All that piece of land in the district of Ulu Kinta being lot No. 2016 containing an area of 2 acres and 16 poles being all the land comprised in lease for land granted for special purposes No. 3.

8. All that piece of land situate in the mukim of Sitiawan containing an area of 17 poles being all the land comprised in Sitiawan mukim extract No. 858.

9. All that piece of land situate in the mukim of Sitiawan containing an area of 3 acres 2 roods and 27 poles being all the land comprised in Sitiawan mukim extract No. 1280.

## IN THE STATE OF SELANGOR.

10. All that piece of land situate in the town of Kuala Lumpur being allotment 95 of section 56 containing an area of 6 acres 3 roods and 26·6 perches being all the land comprised in certificate of title No. 2194 registered in the register of titles volume XXIX folio 70.

11. All that piece of land situate in the town of Kuala Lumpur being allotments 11 and 12 of section 8 containing an area of 16·16

poles more or less being all the land comprised in grant No. 4758 registered in the register of titles serial No. 23411 volume XLII folio 161.

12. All that piece of land situate in the mukim of Ampang in the district of Kuala Lumpur containing an area of 3.1 acres being all the land comprised in Ampang mukim extract serial No. 25.

IN THE STATE OF NEGRI SEMBILAN.

13. All that piece of land situate at Seremban town being lot No. 170 containing an area of 20,000 square feet being all the land comprised in grant No. 927.



## ENACTMENT NO. 14 OF 1914.

An Enactment to prevent the introduction and dissemination of the Plant known as the Water Hyacinth.

ARTHUR YOUNG, [10th December, 1914.  
*President of the Federal Council.* 16th December, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. This Enactment may be cited as “The Water Hyacinth Enactment, 1914,” and shall come into force on the publication thereof in the *Gazette*. Short title and commencement.

2. In this Enactment the expression “water hyacinth” means the plant botanically known as *Eichhornia crassipes* or *Pontederia crassipes* and includes the seed and every part of the said plant. Interpretation.

3. No person shall

- (a) import the water hyacinth into the Federated Malay States or any of them from any place outside the Federated Malay States ; or
  - (b) possess or keep the water hyacinth or allow the same to grow in or on any place owned by or leased to him or under his control or management.
- Prohibition of importation or possession of plant.

4. Where the water hyacinth is growing in or on any place, the owner or lessee of such place, or if such place be under the control or management of some person other than the owner or lessee then such person, shall forthwith cause the water hyacinth to be completely and effectually destroyed by fire. Duty to destroy plant.

5. Any person who contravenes any provision of Section 3 or Section 4 shall be punishable with fine not exceeding one hundred dollars. Penalty.

6. Where in any State default is made by any person in the complete and effectual destruction by fire of any water hyacinth which by the provisions of Section 4 he is required so to destroy, any person generally or specially authorized in that behalf by the Resident of such State or any officer of the Department of Agriculture, Federated Malay States, may enter upon the place in or on which the water hyacinth is growing and may cause to enter thereon such persons with such instruments and things as may be necessary for the purpose of destroying and may destroy the water hyacinth and may recover the cost of destroying the same from the person by whom the said default was made. Action where plant not duly destroyed.

Power of  
Customs officers  
to destroy  
plant.

7. The principal officer of customs at any port at which any water hyacinth may be landed may destroy the same, and no person shall be entitled to compensation for any water hyacinth so destroyed.

Power to  
extend certain  
provisions to  
other noxious  
weeds or plants.

8. (i) The Chief Secretary to Government may from time to time by notification in the *Gazette* declare that the provisions of this Enactment—

- (a) prohibiting the importation of the water hyacinth ;
- (b) imposing a penalty on persons importing the said plant ;
- (c) empowering Customs officers to destroy the said plant on importation —

shall extend to any noxious weed or plant specified in the notification and to the seed or any part of such plant.

(ii) Upon the publication of such notification the above-mentioned provisions of this Enactment shall apply, *mutatis mutandis*, to such weed or plant.

## ENACTMENT NO. 17 OF 1914.

An Enactment to repeal and re-enact "The Savings Bank Enactments, 1906," being the law to regulate the working of the Government Savings Bank.

ARTHUR YOUNG, [10th December, 1914.  
*President of the Federal Council.* 16th December, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as "The Savings Bank Enactment, 1914," and shall come into force upon the publication thereof in the *Gazette*. Short title, commencement, and repeal.

(ii) Upon the coming into force of this Enactment, the Enactments specified in the schedule hereto shall be repealed to the extent mentioned in the fourth column of the said schedule, provided that all rules made and published under the Enactments hereby repealed which were in force immediately prior to the commencement of this Enactment, all deposits made under the said Enactments and not withdrawn prior to the commencement of this Enactment, all entries made under the said Enactments in depositors' books and all moneys invested under the said Enactments in securities remaining unsold at the commencement of this Enactment shall, so far as may be consistent with the provisions of this Enactment, be deemed to have been made and invested under this Enactment.

2. It shall be lawful for the Director, Posts and Telegraphs, with the consent of the Chief Secretary to Government, to authorize and direct such officers of the Postal Department as he shall see fit to receive deposits and to repay the same, in accordance with such rules as he, with the approval of the Chief Secretary to Government, may from time to time prescribe in that behalf. Director, P. and T., may direct officers in post offices to accept deposits.

3. Every deposit so received by any officer of the Postal Department shall be entered by him at the time in the depositor's book, and the entry shall be attested by him and by the dated stamp of his office, and the amount of such deposit shall upon the day of such receipt or so soon thereafter as practicable be reported by such officer to the Director, Posts and Telegraphs, and the acknowledgment of the Director, Posts and Telegraphs, signified by the officer whom he shall appoint for the purpose, shall be forthwith transmitted to the depositor, and the said acknowledgment shall be conclusive evidence of his claim to the repayment thereof, with the interest thereon, upon demand made by him on the Director : and, in order to allow a reasonable time for the receipt of the said acknowledgment, the Legal title of depositor to repayment.

entry in the depositor's book shall also be conclusive evidence of title for fourteen days from the making of the deposit ; and if the said acknowledgment shall not have been received by the depositor through the post within fourteen days, and he shall, before or upon the expiry thereof, demand the said acknowledgment from the Director, Posts and Telegraphs, then the entry in his book shall be conclusive evidence of title during another fourteen days and *toties quoties* ;

Provided always that such deposits shall not be of less amount than one dollar nor of any amount not a multiple thereof.

Depositors  
entitled to  
repayment not  
later than  
fourteen days  
after demand  
made.

4. On demand of the depositor or party legally authorized to claim on account of a depositor, made in such form as shall be prescribed in that behalf, for repayment of any deposit or any part thereof, the authority of the Director, Posts and Telegraphs, for such repayment shall be transmitted to the depositor forthwith, and the depositor shall be absolutely entitled to repayment of any sum or sums that may be due to him within fourteen days at the farthest after his demand shall be made at any post office where deposits are received or paid.

Notwithstanding anything in this section the Director may, with the approval of the Chief Secretary to Government, direct in the case of Public, Regimental, Police, or other special accounts up to what sum withdrawals may be made in any twelve consecutive months and what notice shall be given before any additional withdrawals may be made.

Names of  
depositors, etc.,  
not to be  
disclosed.

5. The officers of the Postal Department engaged in the receipt or payment of deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn, except to the Director, or to such officers of the Postal Department as may be appointed to assist in carrying out the provisions of this Enactment.

Money to be  
carried to a  
separate  
account.

6. All money so deposited with the Director, Posts and Telegraphs, shall be carried to a separate account, and all sums withdrawn by depositors or parties legally authorized to claim on account of depositors shall be repaid to them out of such moneys, through the office of the Director, Posts and Telegraphs.

Additional  
security to  
depositor.

7. If at any time the fund to be created under this Enactment by the investment of the deposits shall be insufficient to meet the lawful claims of all depositors, it shall be lawful for the Chief Secretary to Government upon the certificate of the Director to issue the amount of such deficiency out of the general revenues of the Federated Malay States.

Rate of interest  
payable to  
depositors.

8. The interest payable to the parties making such deposits shall be at the rate of three per centum per annum, but such interest shall not be calculated on any less amount than five dollars or on any fraction of a dollar, and shall not commence until the first day of the calendar month next following the day of deposit, and shall cease on the first day of the calendar month in which such deposit is withdrawn.

9. Interest on deposits shall be calculated to the 31st day of December in each year, and shall be added to and become part of the principal money.

Interest, how calculated.

10. If a depositor should die leaving a balance in a Savings Bank account not exceeding five hundred dollars and if probate of his will or letters of administration of his estate be not produced to the Director, Posts and Telegraphs, within three months of the death of the depositor, the Director, Posts and Telegraphs, may in his uncontrolled discretion pay the said balance to any person appearing to him to be entitled to receive it or to administer the estate of the deceased.

Payment by Director of deposit without production of letters of administration.

11. Balances in excess of five hundred dollars can only be paid on production of probate or letters of administration unless otherwise ordered by the Chief Secretary to Government who is hereby given a discretionary power to dispense with such evidence in cases where he is of opinion that to require it would cause hardship, and that to grant such dispensation would involve no appreciable risk. If the balance in excess of five hundred dollars be that of an account on behalf of a minor the power hereby conferred upon the Chief Secretary to Government may be exercised by him even if the condition of hardship be not established.

Power of Chief Secretary to specially authorize payment of deposit without production of letters of administration.

12. The moneys received under this Enactment or so much of the same as may be from time to time available shall be invested in securities to be selected by the Director, Posts and Telegraphs, and the Treasurer, Federated Malay States, subject to the approval of the Chief Secretary to Government; and a separate and distinct account shall be kept by the Director of all investments and sales and a balance sheet of such account from the 1st day of January to the 31st day of December in every year shall be laid before the Chief Secretary to Government not later than the 31st day of March in every year.

Investment of funds received under this Enactment.

13. The Director, Posts and Telegraphs, with the approval of the Chief Secretary to Government, may from time to time make rules for superintending, inspecting, and regulating the mode of keeping and examining the accounts of depositors, and in respect of the making of deposits, the withdrawal of deposits and interest, and all other matters incidental to the carrying out of the provisions of this Enactment, and all rules so made shall upon the publication thereof in the *Gazette* be binding on the parties interested as if such rules formed part of this Enactment.

Director with consent of Chief Secretary to make rules.

14. An annual account of all deposits received and paid under the authority of this Enactment and of expenses incurred during the year ended the 31st of December, together with a statement of the total amount due at the close of the year to all depositors, shall be laid by the Director before the Chief Secretary to Government.

Annual account to be laid before the Chief Secretary.

15. The annual accounts of the Director, Posts and Telegraphs, to the 31st of December in each year in respect of all moneys deposited or invested under the authority of this Enactment shall

Accounts to be examined by Auditor-General.

Exemption from  
stamp duty.

annually, prior to the 31st of March in each year, be submitted for examination and audit to the Auditor-General, Federated Malay States.

**16.** All deposits to and withdrawals from a Savings Bank account shall be exempt from stamp duty.

#### SCHEDULE.

#### ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak . .	2 of 1906	The Savings Bank Enactment, 1906	The whole
Selangor . .	1 of 1906	Do.	„
N. Sembilan	3 of 1906	Do.	„
Pahang . .	3 of 1906	Do.	„

## ENACTMENT NO. 19 OF 1914.

An Enactment to make better provision for the grant of Exclusive Privileges in respect of Inventions.

ARTHUR YOUNG, [10th December, 1914.  
*President of the Federal Council.* 1st January, 1915.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as “ The Inventions Enactment, 1914,” and shall come into force upon 1st January, 1915. Short title, commencement, and repeal.

(ii) Upon the coming into force of this Enactment the Enactments specified in the first schedule shall be repealed ; provided that such repeal shall not affect the validity of any grant of exclusive privileges made under any Enactment hereby repealed but this Enactment shall, except as otherwise expressly provided, extend to every such grant and to all applications for exclusive privileges pending at the commencement of this Enactment.

(iii) No grant of exclusive privileges made under any Enactment hereby repealed shall be invalid or be revoked on the ground only that such grant was made to an assign of the inventor.

2. (i) In this Enactment and in rules thereunder, unless the context otherwise requires, Interpretation

“ advocate ” means an advocate and solicitor of the Supreme Court ;

“ Chief Secretary ” means the Chief Secretary to Government, Federated Malay States ;

“ grant ” means a grant of exclusive privileges in respect of an invention ;

“ grantee ” means the person for the time being entitled to the benefit of a grant ;

“ invention ” means any manner of new manufacture and includes improvement ;

“ inventor ” includes the first importer into the Federated Malay States of an invention not publicly used or known in the United Kingdom or any possession or dependency thereof or in the Federated Malay States, and also includes the executors, administrators, and assigns of an inventor ;

“ Legal Adviser ” means the Legal Adviser to the Government of the Federated Malay States ;

“manufacture” includes any art, process, or manner of producing, treating, preparing, or making an article and also any article prepared or produced by manufacture ;

“statutory declaration” means a declaration made under the “Statutory Declarations Enactment, 1899,” of any of the Federated Malay States and includes a declaration made under the “Statutory Declarations Act, 1835” of the Imperial Parliament of Great Britain and Ireland ;

“the Court” means the Supreme Court ;

“United Kingdom” means the United Kingdom of Great Britain and Ireland.

(ii) An invention shall be deemed a new invention within the meaning of this Enactment if it shall not before the time of applying for a grant have been publicly used in the United Kingdom or in any possession or dependency thereof or in the Federated Malay States ; provided that

(a) the public use of an invention prior to the application for a grant shall not be deemed a public use within the meaning of this section if the knowledge thereof shall have been obtained surreptitiously or in fraud of the inventor or shall have been communicated to the public in fraud of the inventor or in breach of confidence and if the inventor apply, within twelve months after the commencement of such public use, for a grant and have not previously acquiesced in such public use ;

(b) the public use of an invention by the inventor thereof or his servants or agents or by any other person by his license in writing shall not be deemed a public use within the meaning of this section if the inventor have prior to such public use applied for letters patent or a grant of exclusive privileges in the United Kingdom or in any possession or dependency thereof or in the Federated Malay States.

Applications.

**3.** (i) An application for exclusive privileges in respect of an invention may be made by any person who claims to be the inventor thereof whether alone or jointly with any other person.

(ii) The application shall be substantially in one of the forms A or B in the second schedule, as the case may require, and shall be signed by the applicant or applicants ; provided that the application may in the case of an applicant absent from the Federated Malay States be signed by his agent in the Federated Malay States duly authorized in that behalf in writing. The application shall be left at or sent by post to the office of the Chief Secretary, and the date of the receipt in the said office of every application shall be recorded in the said office. Where the applicants or any of them are not resident in the Federated Malay States the application shall be accompanied by particulars as to the name and address of a person resident in the Federated Malay States who is authorized in writing to act in the matter of the application as agent of the applicant or applicants not so resident.



(iii) The application must contain a declaration to the effect that the applicant is in possession of an invention whereof he, or in the case of a joint application one at least of the applicants, claims to be the inventor and in respect of which he desires to obtain a grant of exclusive privileges and must be accompanied by either a provisional or complete specification which shall be substantially in the forms C and D in the second schedule, respectively, and shall be signed by the applicant or applicants; provided that any such specification may in the case of an applicant absent from the Federated Malay States be signed by his agent in the Federated Malay States duly authorized in that behalf in writing.

(iv) The declaration required by this section may be either a statutory declaration or not, as may be prescribed.

4. (i) A provisional specification must describe the nature of the invention. Specifications.

(ii) A complete specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(iii) In the case of any provisional or complete specification where the Chief Secretary deems it desirable he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the same, and such drawings shall be deemed to form part of the said specification.

(iv) A specification, whether provisional or complete, must commence with the title and in the case of a complete specification must end with a distinct statement of the invention claimed.

(v) Where the invention in respect of which an application is made is a chemical invention, such typical samples and specimens as the Chief Secretary may in any particular case require shall be furnished before the acceptance of the complete specification.

5. (i) The Chief Secretary shall, subject to the provisions of Section 16, refer every application to an examiner. Proceedings upon application.

(ii) If the examiner reports that the nature of the invention is not fairly described, or that the application, specification, or drawings have not been prepared in the prescribed manner, or that the title does not sufficiently indicate the subject-matter of the invention, the Chief Secretary may refuse to accept the application or may require that the application, specification, or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the Chief Secretary so directs, bear date as from the time when the requirement is complied with.

(iii) The Chief Secretary shall, when an application has been accepted, give notice thereof to the applicant.

6. Where an application for a grant of exclusive privileges in respect of an invention has been accepted, the invention may during the period between the date of the application and the date of the signing and sealing of such grant be used and published without prejudice to the granting of exclusive privileges in respect of the invention; and such protection from the consequences of use and Provisional protection.

publication is in this Enactment referred to as provisional protection.

Time for leaving complete specification.

7. (i) If the applicant does not leave a complete specification with his application, he may leave it at any subsequent time within six months from the date of the application.

Provided that, where an application is made for an extension of the time for leaving a complete specification, the Chief Secretary shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding one month.

(ii) Unless a complete specification is so left, the application shall be deemed to be abandoned.

Comparison of provisional and complete specification.

8. (i) Where a complete specification is left after a provisional specification, the Chief Secretary shall refer both specifications to an examiner.

(ii) If the examiner reports that the complete specification has not been prepared in the prescribed manner, the Chief Secretary may refuse to accept the complete specification until it has been amended to his satisfaction.

(iii) If the examiner reports that the invention particularly described in the complete specification is not substantially the same as that which is described in the provisional specification, the Chief Secretary may—

(a) refuse to accept the complete specification until it has been amended to his satisfaction ; or

(b) (with the consent of the applicant) cancel the provisional specification and treat the application as having been made on the date at which the complete specification was left, and the application shall have effect as if made on that date :

Provided that, where the complete specification includes an invention not included in the provisional specification, the Chief Secretary may allow the original application to proceed, so far as the invention included both in the provisional and in the complete specification is concerned, and treat the claim for the additional invention included in the complete specification as an application for that invention made on the date at which the complete specification was left.

(iv) Unless a complete specification is accepted within twelve months from the date of the application, the application shall become void.

Provided that, where an application is made for an extension of time for the acceptance of a complete specification, the Chief Secretary shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding three months.

Publication on acceptance of complete specification.

9. On the acceptance of the complete specification the Chief Secretary shall publish the acceptance in every issue of the *Gazette* during a period of two months ; and the application and specifications with the drawings (if any) shall be open to public inspection.

**10.** After the acceptance of a complete specification and until the date of signing and sealing a grant in respect thereof or the expiration of the time for such signing and sealing, the applicant shall have the like privileges and rights as if a grant in respect of the invention had been made on the date of the acceptance of the complete specification. Provided that an applicant shall not be entitled to institute any proceeding for infringement until a grant in respect of the invention has been issued to him.

Effect of  
acceptance  
of complete  
specification.

**11.** (i) Any person may at any time within two months from the date of the first publication in the *Gazette* of the acceptance of a complete specification give to the Chief Secretary notice of opposition to the grant of exclusive privileges on any of the following grounds :

Opposition to  
grant.

- (a) that the applicant obtained the invention from him or from a person of whom he is the legal representative ; or
- (b) that the invention has been claimed in any complete specification for a grant of exclusive privileges in the Federated Malay States or any of them which is, or will be, of prior date to the exclusive privileges the grant of which is opposed ; or
- (c) that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the complete specification ; or
- (d) that the complete specification describes or claims an invention other than that described in the provisional specification and that such other invention forms the subject of an application made by the opponent in the interval between the leaving of the provisional specification and the leaving of the complete specification,

but on no other ground.

(ii) Where such notice is given, the Chief Secretary shall give notice of the opposition to the applicant and shall, on the expiration of those two months, after hearing the applicant and the opponent, if desirous of being heard, decide the matter ; and for the purpose of such hearing or decision the Chief Secretary may, if he thinks fit, obtain the assistance of an expert.

**12.** (i) If there is no opposition or in case of opposition if the determination is in favour of the grant of exclusive privileges, a grant shall on payment of the prescribed fee be made under the hand and official seal of the Chief Secretary to the applicant or in the case of a joint application to the applicants jointly : provided that the grant shall be subject to such restrictions, conditions, and provisions, if any, as the Chief Secretary may think fit to impose.

Signature and  
sealing of grant.

(ii) A grant of exclusive privileges shall be in the form E in the second schedule and shall be signed and sealed as soon as may be and not after the expiration of fifteen months from the date of application ; provided that—

- (a) where the Chief Secretary has allowed an extension of the time within which a complete specification may be left or accepted, a further extension of four months after the said fifteen months shall be allowed for the signing and sealing of the grant ;
- (b) where the grant is made to the legal representative of an applicant who has died before the expiration of the time which would otherwise be allowed for signing and sealing the grant, the grant may be signed and sealed at any time within twelve months after the date of his death ;
- (c) where in consequence of the neglect or failure of the applicant to pay any fee a grant cannot be signed and sealed within the period allowed by this section, that period may be extended to such an extent and subject to such conditions as the Chief Secretary may in any case direct.

Date of grant.

**13.** Except as otherwise expressly provided by this Enactment, a grant of exclusive privileges shall be dated, signed, and sealed as of the date of the application : Provided that no proceedings shall be taken in respect of an infringement committed before the publication of the complete specification.

Fraudulent applications for grants.

**14.** (i) A grant made to the inventor shall not be invalidated by an application in fraud of him, or by provisional protection obtained thereon, or by any use or publication of the invention subsequent to that fraudulent application during the period of provisional protection.

(ii) Where a grant has been revoked on the ground of fraud, the Chief Secretary may, on the application of the inventor made in accordance with the provisions of this Enactment, make a grant to him in lieu of and bearing the same date as the grant so revoked :

Provided that no action shall be brought for any infringement of the grant so made committed before the actual date when such grant was made.

Single grant for cognate inventions.

**15.** (i) Where the same applicant has put in two or more provisional specifications for inventions which are cognate or modifications one of the other, and has obtained thereby concurrent provisional protection for the same, and the Chief Secretary is of opinion that the whole of such inventions are such as to constitute a single invention and may properly be included in one grant, he may accept one complete specification in respect of the whole of such applications and make a single grant thereon.

(ii) Such grant shall bear the date of the earliest of such applications, but, in considering the validity of the same and for the purpose of the provisions of this Enactment with respect to opposition to the making of grants, the Court or the Chief Secretary, as the case may be, shall have regard to the respective dates of the provisional specifications relating to the several matters claimed therein.

Power to refuse grant.

**16.** Notwithstanding anything in this Enactment contained, the Chief Secretary shall be at liberty to refuse to refer an application to an examiner or to accept an application or specification or to make a

grant of exclusive privileges in any case in which it may appear to him that the granting of exclusive privileges would be prejudicial to the public interests or of doubtful public utility.

17. (i) The term limited in every grant for the duration thereof shall, save as otherwise expressly provided by this Enactment, be fourteen years from its date. Term of grant.

(ii) The fees prescribed for the continuation in force of a grant shall be transmitted to the Chief Secretary together with an application in the form F in the second schedule for a certificate of payment or renewal; such certificate may be in the form G in the second schedule.

(iii) A grant shall, notwithstanding anything therein or in this Enactment contained, cease if the grantee fails to pay the prescribed fees within the prescribed times; provided that the Chief Secretary, upon the application of the grantee, shall, on receipt of such additional fee not exceeding \$100 as may be prescribed, enlarge the time to such an extent as may be applied for but not exceeding three months.

(iv) If any proceeding is taken in respect of an infringement of a grant committed after a failure to pay any fee within the prescribed time, and before any enlargement thereof, the Court before which the proceeding is proposed to be taken may, if it thinks fit, refuse to award any damages in respect of such infringement.

18. (i) A grantee may apply to the Chief Secretary for an extension of the term of his grant, provided that such application be presented not more than one year and not less than six months before the time limited for the expiration of the exclusive privileges granted. The fact that such application has been presented shall be notified in every issue of the *Gazette* during a period of at least two months. Extension of term of grant.

(ii) Any person may give to the Chief Secretary notice of objection to the extension.

(iii) The grantee and every person who has given notice of objection to the extension shall be entitled to be heard by the Chief Secretary before any decision is come to in the matter of the application.

(iv) The Chief Secretary, in considering his decision, shall have regard to the nature and merits of the invention in relation to the public, to the profits made by the grantee as such and to all the circumstances of the case.

(v) If it appears to the Chief Secretary that the grantee has been inadequately remunerated by his grant, the Chief Secretary may by order extend the term of the grant for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may make a new grant for such term as may be specified in the order and containing any restrictions, conditions, and provisions which the Chief Secretary may think fit to impose.

19. (i) Where a grant of exclusive privileges in respect of an invention has been applied for or made and the applicant or the grantee, as the case may be, applies for a further grant in respect of Grants of addition.

any improvement in or modification of the invention, he may, if he thinks fit, in his application for the further grant, request that the term limited in that grant for the duration thereof be the same as that of the original grant or so much of that term as is unexpired. An application under this section may be in the form H in the second schedule.

(ii) Where an application containing such a request is made, a grant (hereinafter referred to as a grant of addition) may be made for such term as aforesaid.

(iii) A grant of addition shall remain in force so long as the grant for the original invention remains in force, but no longer, and in respect of a grant of addition no fees shall be payable for renewal.

(iv) The making of a grant of addition shall be conclusive evidence that the invention is a proper subject for a grant of addition, and the validity of the grant shall not be questioned on the ground that the invention ought to have been the subject of an independent grant.

Restoration of  
lapsed grants.

20. (i) Where any grant has become void owing to the failure of the grantee to pay any prescribed fee within the prescribed time, the grantee may apply in writing to the Chief Secretary for an order for the restoration of the grant.

(ii) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee and shall be accompanied by one or more statutory declarations verifying the statements contained in such application.

(iii) If it appears from such statement or declarations that the omission was unintentional and that no undue delay has occurred in the making of the application, the Chief Secretary shall notify in every issue of the *Gazette* during a period of at least two months the fact that such application has been made, and within two months from the first of such notifications any person may give to the Chief Secretary notice of opposition.

(iv) Where such notice is given, the Chief Secretary shall notify the applicant thereof.

(v) After the expiration of the said period of two months the Chief Secretary shall hear the applicant and any person who has given notice of opposition, if such persons appear and desire to be heard, and issue an order either restoring the grant or dismissing the application: Provided that, in every order under this section restoring a grant, such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the grant after the grant had become void.

Amendment of  
specification by  
Chief Secretary.

21. (i) An applicant or a grantee may at any time, by request in writing left at the office of the Chief Secretary, seek leave to amend his specification, including drawings forming part thereof, by way of disclaimer, correction, or explanation, stating the nature of and the reasons for the proposed amendment.

(ii) The request and the nature of the proposed amendment shall be notified in every issue of the *Gazette* during a period of at least

one month, and at any time within one month from the first publication of such notification any person may give notice at the office of the Chief Secretary of opposition to the amendment.

(iii) Where such a notice is given the Chief Secretary shall give notice of the opposition to the person making the request and shall hear the person making the request and any person who has given notice of opposition, if such persons appear and desire to be heard, and shall decide the matter of the application.

(iv) Where no notice of opposition is given, or the person so giving notice of opposition does not appear or appearing does not desire to be heard, the Chief Secretary shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(v) No amendment shall be allowed that would make the specification, as amended, claim an invention substantially larger than or substantially different from the invention claimed by the specification as it stood before amendment.

(vi) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud : and the amendment shall be recorded in the office of the Chief Secretary and shall be notified in every issue of the *Gazette* during a period of at least two months and shall in all Courts and for all purposes be deemed to form part of the specification.

(vii) This section shall not apply when and so long as any action for infringement or proceeding before the Court for the revocation of a grant is pending.

**22.** (i) In any action for infringement of a grant or proceedings before a Court for revocation of a grant the Court may by order allow the grantee to amend his specification by way of disclaimer in such manner, and subject to such terms as to costs, advertisement, or otherwise, as the Court may think fit :

Amendment of specification by the Court.

Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the Court notice of the application shall be given to the Chief Secretary, and the Chief Secretary shall have the right to appear and be heard in person or by advocate.

(ii) Whenever any amendments are allowed under this section, the Chief Secretary may cause a copy of such amendment to be filed in his office with and as part of the specification to which such amendment relates and thereafter the specification shall be read as if such amendment had formed a part thereof when such specification was first filed in the said office.

**23.** Where an amendment of a specification by way of disclaimer, correction, or explanation has been allowed under this Enactment, no damages shall be given in any action in respect of the use of the invention before the disclaimer, correction, or explanation unless the grantee establishes to the satisfaction of the Court that his original

Restriction on recovery of damages.

claim was framed in good faith and with reasonable skill and knowledge.

Patents and grants of exclusive privileges obtained in the United Kingdom or British possessions.

24. (i) If an inventor who has obtained letters patent or a grant of exclusive privileges in respect of an invention in the United Kingdom or in any possession or dependency thereof desires to apply to the Chief Secretary for a grant of exclusive privileges in respect of such invention in the Federated Malay States, he shall make such application substantially in the form A in the second schedule stating therein that such letters patent or exclusive privileges have been granted and annexing thereto a complete specification of the invention for which he seeks exclusive privileges in the Federated Malay States and also a duly certified copy of the said letters patent or grant of exclusive privileges and of the complete specification of the invention filed in the place where the said letters patent or exclusive privileges were granted; such application shall thereupon be dealt with, if the Chief Secretary so directs, in the manner provided by Section 5 or may without reference to an examiner be accepted and dealt with in the manner provided by Sections 9 and 12; provided that the exclusive privileges granted under this Enactment shall be for the balance remaining at the date of such grant unexpired of the term of the said letters patent or grant of exclusive privileges or for the term mentioned in Section 17, whichever shall be the shorter period; provided also that in no case shall the application and specification cover or include more than is claimed in the original specification.

(ii) Whenever it shall be made to appear to the Chief Secretary that an amendment by way of disclaimer, correction, or explanation relating to any invention as to which exclusive privileges have been obtained in the Federated Malay States or any of them under this section or under Section 10 of any Enactment hereby repealed has been allowed and recorded in the United Kingdom or in any possession or dependency thereof in which the exclusive privileges were granted, the Chief Secretary may cause a copy of such amendment to be filed in his office with and as part of the specification to which such amendment relates, and thereafter the specification shall be read as if such amendment had formed a part thereof when such specification was first filed in the said office. Provided that no such amendment shall be held to extend the exclusive rights obtained in the Federated Malay States as aforesaid.

(iii) Whenever it shall be made to appear to the Chief Secretary that the term of the original letters patent or grant of exclusive privileges in respect of an invention has been extended in the United Kingdom or in any possession or dependency thereof in which the same were granted, the Chief Secretary may on payment of the prescribed fee cause a copy of the order or other proceeding whereby the term was so extended to be filed in his office and thereupon the term of the exclusive privileges granted in respect of the said invention under this Enactment or under any Enactment hereby repealed shall be extended so as to correspond with the extended term of the original letters patent or grant of exclusive privileges.

(iv) If the original letters patent or grant of exclusive privileges shall prior to the expiration thereof cease or be revoked at any time



in the United Kingdom or in any possession or dependency thereof in which the same were granted, the grant of exclusive privileges in the Federated Malay States shall also terminate on the date of such cessation or revocation.

(v) Nothing in this section contained shall prevent the Chief Secretary from refusing to exercise any of the powers vested in him by this section in any case where it may appear to him that the exercise thereof would be prejudicial to the public interests.

**25.** (i) Any person interested may present a petition to the Chief Secretary alleging that the reasonable requirements of the public with regard to an invention in respect whereof a grant is in force have not been satisfied and praying for the grant of a compulsory license or, in the alternative, for the revocation of the grant.

Compulsory  
licenses and  
revocation.

(ii) The Chief Secretary shall consider the petition, and if the parties do not come to an arrangement between themselves the Chief Secretary, if satisfied that a *prima facie* case has been made out, shall refer the petition to the Court, and, if the Chief Secretary be not so satisfied, he may dismiss the petition.

(iii) Where any such petition is referred by the Chief Secretary to the Court and it is proved to the satisfaction of the Court that the reasonable requirements of the public with reference to the invention to which the grant relates have not been satisfied, the grantee may be ordered by the Court to grant licenses on such terms as the Court may think just, or, if the Court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licenses, the grant may be revoked by the order of the Court.

Provided that an order of revocation shall not be made before the expiration of three years from the date of the grant, or if the grantee gives satisfactory reasons for his default.

(iv) On the hearing of any petition under this section the grantee and any person claiming an interest in the grant as exclusive licensee or otherwise shall be made parties to the proceeding, and the Legal Adviser or such advocate as he may appoint shall be entitled to appear and be heard.

(v) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied—

(a) if by reason of the default of the grantee to manufacture to an adequate extent and supply on reasonable terms the article to which the grant relates or any parts thereof which are necessary for its efficient working, or to carry on the process to which the grant relates to an adequate extent or to grant licenses on reasonable terms, any existing trade or industry or the establishment of any new trade or industry in the Federated Malay States is unfairly prejudiced or the demand for the article to which the grant relates or the article produced by the process to which the grant relates is not reasonably met ; or

- (b) if any trade or industry in the Federated Malay States is unfairly prejudiced by the conditions attached by the grantee before or after the passing of this Enactment to the purchase, hire, or use of the article to which the grant relates or to the using or working of the process to which the grant relates.

(vi) An order of the Court directing the grant of any license under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a license and made between the parties to the proceeding.

Revocation of  
grant.

**26.** (i) Revocation of a grant of exclusive privileges may be obtained on petition to the Court.

(ii) It shall be a ground for revocation under this section if it be proved

- (a) that the invention in respect whereof the grant was made was not at the time of making the application therefor a new invention or that it is of no utility; or
- (b) that the grantee was not the inventor thereof and in addition thereto either that the petitioner was the inventor or that the inventor has dedicated or made known the invention to the public or has acquiesced in the public use thereof; or
- (c) that the specification filed does not particularly describe and define the nature of the invention or in what manner the same is to be carried out; or
- (d) that the grantee has fraudulently inserted in the application for exclusive privileges or specification as part of his invention something which was not new or whereof he was not the inventor; or
- (e) that the grantee has wilfully made a false statement in his application for exclusive privileges or specification; or
- (f) that some part of the invention or the manner in which that part is to be carried out as described in the specification is not thereby sufficiently described and defined and that such defect or insufficiency was fraudulent and is injurious to the public; or
- (g) that the grantee has committed a breach of any special condition on which the grant of exclusive privileges was made or extended; or
- (h) that the grant of exclusive privileges or the mode in which it is exercised is mischievous to the Federated Malay States or any of them or generally prejudicial to the public interests.

(iii) A petition for revocation of a grant may be presented

- (a) by the Legal Adviser or any person authorized by him; or
- (b) by any person alleging

(1) that the grant was obtained in fraud of his rights or of the rights of any person under or through whom he claims; or

- (2) that he, or any person under or through whom he claims, was the inventor of any invention included in the claim of the grantee ; or
- (3) that he, or any person under or through whom he claims an interest in any trade, business, or manufacture, had publicly manufactured, used, or sold in the United Kingdom or in any possession or dependency thereof or in the Federated Malay States before the date of the grant anything claimed by the grantee as his invention.

(iv) Notice of proceedings under this section shall be served on the grantee and on all persons whose names are entered in the book prescribed to be kept under Section 29 as having any interest in the grant in respect of which the proceedings are taken, and it shall not be necessary to serve such notice on any other persons.

(v) Every revocation of a grant under this section shall be notified to the Chief Secretary by the Court decreeing the revocation.

**27.** A grantee may at any time by written notice to the Chief Secretary offer to surrender his grant and the Chief Secretary may, Surrender of grant. if after giving notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer and thereupon make an order for the revocation of the grant.

**28.** (i) There shall be kept at the office of the Chief Secretary a book called the register of grants of exclusive privileges, wherein shall be entered the names and addresses of grantees, notifications of assignments and of transmissions of grants, of licenses under grants and of amendments, extensions, and revocations of grants and such other matters affecting the validity or proprietorship of grants as may be prescribed. Register of grants.

(ii) The registers kept under Section 20 of each of the Enactments hereby repealed shall be incorporated with and form part of the register of grants of exclusive privileges under this Enactment.

(iii) The register of grants of exclusive privileges shall be *prima facie* evidence of any matters by this Enactment directed or authorized to be entered therein or incorporated therewith.

(iv) Copies of deeds, licenses, and any other documents affecting the proprietorship in any grant or in any license thereunder shall be supplied to the Chief Secretary for filing in his office.

**29.** A book shall be kept in the office of the Chief Secretary (such book to be open to inspection without fee) wherein every person leaving a specification shall cause to be entered some place in the Federated Malay States where service of any notices, orders, or proceedings relating to such specification or to any grant of exclusive privileges connected therewith may be made ; and all persons in whom any interest in such specification or grant may from time to time be vested shall cause to be entered in the said book their names together with the name of some place in the Federated Malay States for the service of such notices, orders, and proceedings as Address for service to be recorded.

aforesaid. Every such notice, order, or proceeding shall be deemed sufficiently served on any such person if a copy thereof be sent by post to the place entered in such book or (if any other place be substituted for the same by entry in the said book) the place last substituted or be delivered to any person resident at or in charge of such place ; and in any case where such service cannot be effected or a place for service is not so entered as aforesaid, service may be effected in such manner as may be directed by the Court where the notice, order, or proceeding issues under the authority of the Court or otherwise by the Chief Secretary.

Action for  
infringement.

**30.** An action may be maintained in the Court by a grantee against any person who during the continuance of any exclusive privileges granted under this Enactment in respect of an invention shall without the license of the said grantee make, use, sell, or put in practice the said invention or who shall counterfeit or imitate the same.

Hearing with  
assessor.

**31.** (i) In an action or proceeding for infringement or revocation of a grant the Court may, if it think fit, and shall on the request of either of the parties to the proceeding, call in the aid of an assessor specially qualified and try the case wholly or partially with his assistance.

(ii) The Court of Appeal may, if it think fit, in any proceeding before it call in the aid of an assessor as aforesaid.

(iii) The remuneration, if any, to be paid to an assessor under this section shall be determined by the Court or the Court of Appeal, as the case may be, and be paid from public funds.

Defences to  
action for  
infringement.

**32.** Every ground on which a grant of exclusive privileges may be revoked under this Enactment shall be available by way of defence to an action for infringement.

Power to  
defendant,  
in an action for  
infringement,  
to apply for  
revocation.

**33.** A defendant in an action for infringement of a grant, if entitled to present a petition to the Court for the revocation of the grant, may without presenting such a petition apply, in his written statement of defence to the action, for the revocation of the grant.

Exemption of  
innocent  
infringer from  
liability for  
damages.

**34.** A grantee shall not be entitled to recover any damages in respect of any infringement of a grant made after the commencement of this Enactment from any defendant who proves that at the date of the infringement he was not aware, nor had reasonable means of making himself aware, of the existence of the grant.

Provided that nothing in this section shall affect any proceedings for an injunction.

Order for  
inspection, etc.,  
in action.

**35.** In an action for infringement of a grant the Court may on the application of either party make such order for an injunction, inspection or account and impose such terms and give such directions respecting the same and the proceedings thereon as the Court may see fit.

Remedy in case  
of groundless  
threats of legal  
proceedings.

**36.** Where any person claiming to be the grantee of exclusive privileges in respect of an invention by circulars, advertisements, or otherwise threatens any other person with any legal proceedings.

or liability in respect of any alleged infringement of the grant, any person aggrieved thereby may bring an action against him and may obtain an injunction against the continuance of such threats and may recover such damage (if any) as he has sustained thereby, if the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats :

Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes an action for infringement of his grant.

**37.** Subject to the express terms of the grant, where, after the commencement of this Enactment, a grant is made to two or more persons jointly, each of such persons shall, subject to any contract to the contrary, be entitled to use the invention for his own profit without accounting to the others but shall not be entitled to grant a license without their consent, and, if any such person dies, his interest in the grant shall devolve on his legal representative.

Grant to two or more persons jointly.

**38.** (i) The Chief Secretary shall, in proceedings relating to an opposition to the granting of exclusive privileges or to an application for the amendment of a specification, have power by order to award to any party such costs as he may consider reasonable and to direct how and by what parties they are to be paid, and any such order may by leave of the Court be enforced in the same manner as a decree to the same effect.

Costs and security for costs.

(ii) If a party giving notice of opposition to the making of a grant or to the amendment of a specification neither resides nor carries on business in the Federated Malay States, the Chief Secretary may require such party to give security for costs of the proceedings and in default of such security being given may treat the proceedings as abandoned.

**39.** (i) An invention covered by a grant shall not be deemed to have been anticipated by reason only of its publication in a provisional specification of any date not followed by a complete specification.

Provisions as to anticipation.

(ii) A grant shall not be held to be invalid by reason only of the invention in respect of which the grant was made, or any part thereof, having been published prior to the date of the grant, if the grantee proves to the satisfaction of the Court that the publication was made without his knowledge and consent and that the matter published was derived or obtained from him and, if he learnt of the publication before the date of his application for the grant, that he applied for and obtained protection for his invention with all reasonable diligence after learning of the publication.

**40.** A grant shall not be held to be invalid on the ground that the complete specification claims a further or different invention to that contained in the provisional specification, if the invention therein claimed, so far as it is not contained in the provisional specification, was novel at the date when the complete specification was put in and the applicant was the inventor thereof.

Disconformity.

Grant on application of representative of deceased inventor.

41. (i) If the person claiming to be inventor of an invention dies without making an application for a grant of exclusive privileges in respect of the invention, application may be made by, and a grant of exclusive privileges in respect of the invention granted to, his legal representative.

(ii) Every such application must contain a declaration by the legal representative that he believes such deceased person to be the inventor of the invention.

Loss or destruction of grant.

42. If a grant is lost or destroyed or its non-production is accounted for to the satisfaction of the Chief Secretary, the Chief Secretary may at any time sign and seal a duplicate thereof.

Power of Chief Secretary to delegate.

43. (i) Any act or thing directed or authorized by this Enactment to be done by or to the Chief Secretary may be done by or to any officer or officers authorized by the Chief Secretary in that behalf by notification in the *Gazette*.

(ii) Such authority may be given to any officer either by name or by virtue of his office, and any such authority may be general or restricted to particular acts or things and may in any case be restricted to particular areas, as the Chief Secretary may think fit, and may be revoked by the Chief Secretary by notification in the *Gazette*.

(iii) Any act or thing done in pursuance of authority given under this section shall have the same effect as if it had been done by or to the Chief Secretary, as the case may be, and the office of any officer so authorized shall for the purposes of such acts or things be deemed to form part of the office of the Chief Secretary.

Fees.

44. There shall be paid in respect of grants and applications therefor and in respect of other matters relating to exclusive privileges under this Enactment the fees set out in the third schedule or such other fees, whether in addition to or substitution for the said fees or any of them, as may be from time to time prescribed by the Chief Secretary by rule under Section 58.

Trust not to be entered in registers.

45. There shall not be entered in any register kept under this Enactment or be receivable by the Chief Secretary in respect of any invention any notice of any trust expressed, implied or constructive.

Inspection of and extracts from registers.

46. Every register kept under this Enactment shall at all convenient times be open to the inspection of the public, subject to the provisions of this Enactment and to such rules as may be made thereunder; and certified copies, sealed with the official seal of the Chief Secretary, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Privilege of reports of examiners.

47. Reports of examiners made under this Enactment shall not in any case be published or be open to public inspection and shall not be liable to production or inspection in any legal proceeding, unless the Court or officer having power to order discovery in such legal proceeding certifies that such production or inspection is desirable in the interests of justice and ought to be allowed.

48. Where an application for a grant of exclusive privileges in respect of an invention has been abandoned or become void, the specifications and drawings (if any) accompanying or left in connection with such application shall not, save as otherwise expressly provided by this Enactment, at any time be open to public inspection or be published by the Chief Secretary.

Prohibition of specification, drawings, etc., where application abandoned, etc.

49. The Chief Secretary may, on request in writing accompanied by the prescribed fee—

Power for Chief Secretary to correct clerical errors.

- (a) correct any clerical error in or in connection with an application for a grant or in any grant or any specification ;
- (b) correct any clerical error in the name or address of a grantee or in any other matter which is entered in the register of grants.

50. (i) Where a person becomes entitled by assignment, transmission, or other operation of law to a grant, the Chief Secretary shall, on request and on proof of title to his satisfaction, register him as grantee.

Entry of assignments and transmissions in registers.

(ii) Where a person becomes entitled as mortgagee, licensee, or otherwise to any interest in a grant, the Chief Secretary shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the register of grants.

(iii) The person registered as grantee shall, subject to the provisions of this Enactment and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with, the grant and to give effectual receipts for any consideration for any such assignment, license, or dealing : Provided that any equities in respect of the grant may be enforced in like manner as in respect of any other movable property.

51. (i) The Court may, on the application by way of motion of any person aggrieved by the non-insertion in or omission from the register of grants of any entry or by any entry made in such register without sufficient cause or by any entry wrongly remaining in such register or by an error or defect in any entry in such register, make such order for making, expunging, or varying such entry as it may think fit.

Rectification of register by Court.

(ii) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of a register.

(iii) Notice of any application under this section shall be given to the Chief Secretary, who shall have the right to appear and be heard thereon either in person or by advocate.

(iv) Any order of the Court rectifying the register shall direct that notice of the rectification be served on the Chief Secretary, who shall upon the receipt of such notice rectify the register accordingly.

52. Where any discretionary power in respect of applications for grants or for amendment of specifications is by or under this Enactment given to the Chief Secretary, he shall not exercise that

Exercise of discretionary power by Chief Secretary.

power adversely to the applicant for a grant or for amendment of a specification without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard.

Evidence before  
Chief Secretary.

**53.** (i) Subject to rules under this Enactment, in any proceeding under this Enactment before the Chief Secretary the evidence shall be given by affidavit or statutory declaration in the absence of directions to the contrary; but, in any case in which the Chief Secretary thinks it right so to do, he may take evidence *vivâ voce* in lieu of or in addition to evidence by affidavit or declaration or allow any declarant to be cross-examined on his affidavit or declaration.

(ii) In case any part of the evidence is taken *vivâ voce*, the Chief Secretary shall, in respect of requiring the attendance of witnesses and taking evidence on oath or affirmation, be in the same position in all respects as a Magistrate exercising civil jurisdiction.

Certificate of  
Chief Secretary  
to be evidence.

**54.** A certificate purporting to be under the hand of the Chief Secretary as to any entry, matter, or thing which he is authorized by this Enactment, or any rules made thereunder, to make or do shall be *primâ facie* evidence of the entry having been made and of the contents thereof and of the matter or thing having been done or left undone.

Certified copies  
to be evidence.

**55.** Printed or written copies or extracts purporting to be certified as true copies and sealed with the official seal of the Chief Secretary, of or from grants, specifications, and other documents in the custody of the Chief Secretary under this Enactment and of or from registers and other books in such custody shall be admitted in evidence in all Courts in the Federated Malay States and in all proceedings without further proof or production of the originals.

Applications  
and notices by  
post.

**56.** Any application, notice, or other document authorized or required to be left, made, or given at the office of or to the Chief Secretary or to any other person under this Enactment may be sent by post.

Declaration by  
infant, lunatic,  
etc.

**57.** (i) If any person is, by reason of infancy, lunacy, or other disability, incapable of making any declaration or doing anything required or permitted by or under this Enactment, the guardian or committee (if any) of the person subject to the disability, or, if there be none, any person appointed by any Court possessing jurisdiction in respect of his property, may make such declaration or a declaration as nearly corresponding thereto as circumstances permit and do such thing in the name and on behalf of the person subject to the disability.

(ii) An appointment may be made by the Court for the purposes of this section upon the petition of any person acting on behalf of the person subject to the disability or of any other person interested in the making of the declaration or the doing of the thing.

Rules.

**58.** (i) The Chief Secretary may from time to time, by notification in the *Gazette*, make rules, not inconsistent with the provisions of this Enactment, with regard to—



- (a) the furnishing of samples and specimens of matters referred to in specifications ;
  - (b) the making or requiring duplicates of specifications, drawings, and other documents ;
  - (c) the practice of registration under this Enactment ;
  - (d) the time and manner at, within, or in which any act or thing is to be done under this Enactment ;
  - (e) rescinding, altering, or adding to the forms and fees contained in the second and third schedules and the times for the payment of fees ;
- and generally for giving effect to the provisions of this Enactment.

(ii) Rules made and published under this section shall whilst in force be of the same effect as if they were contained in this Enactment.

59. If any person makes or causes to be made a false entry in any register kept under this Enactment or a writing falsely purporting to be a copy of an entry in any such register or produces or tenders or causes to be produced or tendered in evidence any such writing knowing the entry or writing to be false, he shall be punishable with fine not exceeding one thousand dollars or with imprisonment of either description for a term not exceeding two years or with both.

Falsification of register, etc.; penalty.

#### FIRST SCHEDULE.

##### ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak ..	Order in Council 2 of 1896	Inventions Order in Council, 1896
Selangor ..	Regulation 5 of 1896	„ Regulation, 1896
N. Sembilan	Order in Council 4 of 1896	„ Order in Council, 1896
Pahang ..	Enactment 5 of 1897	„ Enactment, 1897

#### SECOND SCHEDULE.

##### FORM A.

“The Inventions Enactment, 1914.”

##### APPLICATION FOR GRANT OF EXCLUSIVE PRIVILEGES.

I (or we) (a).....do hereby declare that I am (or we are) in possession of an invention the title of which is (b).....

(a) Here insert (in full) name, address, and calling of applicant or applicants.

(b) Here insert title of invention.

(c) In the case of more than one applicant, state here who is or are the inventor or inventors.

that (c).....claim to be the inventor.. thereof; and that the same is not in use by any other person or persons to the best of my (or our) knowledge and belief; and I (or we) pray that a grant of exclusive privileges may be made to me (or us) for the said invention.

(d) To be signed by applicant or applicants. In the case of a Firm, each member of the Firm must sign.

Dated the.....day of....., 19..

(d).....

To the Chief Secretary to Government,

Federated Malay States,

Kuala Lumpur.

NOTE.—The form on the back hereof should be signed by the applicant or applicants.

*(To be printed on the back.)*

I (or we) hereby request that all notices, requisitions, and communications in respect of the within application may be sent to .....at.....

\* To be signed by applicant or applicants.

Dated the.....day of....., 19..

\*.....

## FORM B.

“The Inventions Enactment, 1914.”

### APPLICATION FOR GRANT OF EXCLUSIVE PRIVILEGES FOR INVENTION COMMUNICATED FROM ABROAD.

(a) Here insert (in full) name, address, and calling of applicant or applicants.

I (or we) (a).....of.....do hereby declare that I am (or

(b) Here insert title of invention.

we are) in possession of an invention the title of which is (b).....

(c) Here insert name, address, and calling of communicator.

which invention has been communicated to me (or us) by (c)..... that I (or we) claim to be the inventor.. thereof; and that the same is not in use within the United Kingdom of Great Britain and Ireland or any possession or dependency thereof or in the Federated Malay States by any other person or persons to the best of my (or our) knowledge and belief; and I (or we) pray that a grant of exclusive privileges may be made to me (or us) for the said invention.

(d) To be signed by applicant or applicants.

Dated the.....day of....., 19..

(d).....

To the Chief Secretary to Government,

Federated Malay States,

Kuala Lumpur.

NOTE.—The form on the back hereof should be signed by the applicant or applicants.

(To be printed on the back.)

I (or we) hereby request that all notices, requisitions, and communications in respect of the within application may be sent to .....at.....

Dated the.....day of....., 19..

\* ..... \* To be signed by applicant or applicants.

### FORM C.

“The Inventions Enactment, 1914.”

### PROVISIONAL SPECIFICATION.

(a) .....

(a) Here insert title verbally agreeing with that in the application form.

I (or we) (b).....do hereby declare the nature of this invention

(b) Here insert (in full) name, address, and calling of applicant or applicants as in application form.

to be as follows : (c).....

(c) Here begin description of the nature of the invention. The continuation of the specification should be upon wide-ruled paper of the same size, on one side only, with a margin of one inch and a half on the left hand part of the paper. The specification must be signed at the end, and dated (thus): “Dated the       day of       , 191    .”

### FORM D.

“The Inventions Enactment, 1914.”

### COMPLETE SPECIFICATION.

(a) .....

(a) Here insert title verbally agreeing with that in the application form.

I (or we) (b).....do hereby declare the nature of this invention,

(b) Here insert (in full) name, address, and calling of applicant or applicants as in application form.

and in what manner the same is to be performed, to be particularly

(c) Here begin full description of invention.

The continuation of the specification should be upon wide-ruled paper of the same size, on one side only, with a margin of one inch and a half on the left hand part of the paper. The completion of the description should be followed by the words:

" Having now particularly described and ascertained the nature of my (or our) said invention and in what manner the same is to be performed, I (or we) declare that what I (or we) claim is: " after which should be written the claim or claims numbered consecutively. The specification must be signed at the end and dated (thus):  
 " Dated the day of , 1914."

described and ascertained in and by the following statement:  
 (c) . . . . .

## FORM E.

"The Inventions Enactment, 1914."

### GRANT OF EXCLUSIVE PRIVILEGES.

Whereas . . . . . of . . . . . has (or have) presented to the Chief Secretary to Government, Federated Malay States, an application No. for a grant of exclusive privileges under "The Inventions Enactment, 1914," in respect of his (or their) invention entitled . . . . . and has (or have) filed a specification No. . . . . and done all things necessary under the said Enactment to be done in order to the making of a grant of exclusive privileges:

It is hereby ordered that the said . . . . . his (or their) executors administrators, and assigns shall, subject to the restrictions, conditions, and provisions hereunder written, have the exclusive privilege of making, using, and selling the said invention in the said specification described within the Federated Malay States for the term of fourteen years from the date hereof in terms of and subject to the provisions of "The Inventions Enactment, 1914." Provided that if there shall be any default in the payment of any fees by law required to be paid in respect of this grant or in respect of any matter relating thereto at the time or times and in manner for the time being

by law provided this grant and all privileges and advantages whatever hereby granted shall determine and become void.

RESTRICTIONS, CONDITIONS, AND PROVISIONS.

.....  
Signed and sealed by the Chief Secretary to Government,  
Federated Malay States, at Kuala Lumpur this.....day of.....,  
19..

(L. S.)

Signature.....

FORM F.

“The Inventions Enactment, 1914.”

APPLICATION FOR CERTIFICATE OF PAYMENT OR  
RENEWAL.

I (or we) hereby transmit the fee prescribed for the continuation  
in force of \*.....grant No....., of 1.... for a further period  
of..... \* Here insert  
name of grantee.

It is requested that the certificate of payment or renewal be sent  
to the address hereunder written :

Name†.....

Address.....

† Here insert  
name and full  
address to  
which certi-  
cate is to be  
sent.

To the Chief Secretary to Government,  
Federated Malay States,  
Kuala Lumpur.

FORM G.

“The Inventions Enactment, 1914.”

CERTIFICATE OF PAYMENT OR RENEWAL.

Grant No.....of 1.....

This is to certify that.....did this.....day of.....19..,  
make the prescribed payment of \$.....in respect of a period of  
.....from.....and that by virtue of such payment the rights of  
the grantee remain in force.\*

(L. S.)

Signature.....

Chief Secretary to Government.

\* See Section 17  
of “The Inven-  
tions Enact-  
ment, 1914.”

FORM H.

“The Inventions Enactment, 1914.”

APPLICATION FOR GRANT OF EXCLUSIVE PRIVILEGES  
IN RESPECT OF AN ADDITION.

I (or we) (a).....do hereby declare that I am (or we are) (a) Here insert  
(in full) name,  
address, and  
calling of  
applicant or  
applicants.

(b) Here insert title of invention.

(c) In the case of more than one applicant, state here who is or are the inventor or inventors.

in possession of an invention the title of which is (b).....that

(c).....claim to be the inventor.. thereof; that the same is not in use by any other person or persons to the best of my (or our) knowledge and belief, and that the said invention is an improvement in or modification of my (or our) invention in respect of which a grant of exclusive privileges was applied for on the....., and numbered....., [for which <sup>I was</sup><sub>we were</sub> the applicant..] [of which <sup>I am</sup><sub>we are</sub> the grantee..]; and I (or we) pray that a grant of exclusive privileges may be made to me (or us) for the said invention, and request that the term limited in such further grant for the duration thereof be the same as that of the original grant, or so much of that term as is unexpired.

Dated the.....day of....., 19..

(d).....

(d) To be signed by applicant or applicants. In the case of a Firm, each member of the Firm must sign.

To the Chief Secretary to Government,

Federated Malay States,

Kuala Lumpur.

NOTE.—The form on the back hereof should be signed by the applicant or applicants.

(To be printed on the back.)

I (or we) hereby request that all notices, requisitions, and communications in respect of the within application may be sent to.....at.....

Dated the.....day of....., 19..

\* To be signed by applicant or applicants.

\*.....

### THIRD SCHEDULE.

#### FEEES.

On application for grant accompanied by provisional specification .. .. .	\$ 5.00
On filing complete specification thereafter .. .. .	20.00
or	
On application for grant accompanied by complete specification .. .. .	25.00
For extension of time for leaving complete specification, not exceeding one month .. .. .	10.00
For extension of time for acceptance of complete specification, not exceeding one month .. .. .	10.00
Do., two months .. .. .	20.00
Do., three months .. .. .	30.00
On notice of opposition to grant : by opponent .. .. .	1.00
On hearing by Chief Secretary : by applicant and opponent, respectively .. .. .	5.00
On signature and sealing of grant .. .. .	25.00

For extension of time for signature and sealing of grant, not exceeding one month .. .. .	\$10.00
Do., two months .. .. .	20.00
Do., three months .. .. .	30.00
On certificate of renewal, before the expiration of the 7th year from the date of the grant .. .. .	50.00
For enlargement of time for payment of renewal fee, not exceeding one month .. .. .	10.00
Do., two months .. .. .	20.00
Do., three months .. .. .	30.00
On application for extension of term of grant .. .. .	5.00
On notice of opposition to extension of term of grant, by opponent .. .. .	1.00
On hearing by Chief Secretary : by applicant and opponent respectively .. .. .	5.00
On extension of term of grant, for each year of extension ..	5.00
On filing copy of order whereby the term of a foreign patent or grant is extended, for each year of extension .. ..	5.00
On application for restoration of lapsed grant .. .. .	50.00
On notice of opposition to application for restoration of lapsed grant, by opponent .. .. .	2.00
On hearing by Chief Secretary : by applicant and opponent respectively .. .. .	5.00
On application to amend specification :	
before grant ; by applicant .. .. .	5.00
after grant ; by grantee .. .. .	10.00
On notice of opposition to amendment : by opponent ..	1.00
On hearing by Chief Secretary : by applicant and opponent respectively .. .. .	5.00
On application to the Chief Secretary for a compulsory license, by applicant .. .. .	5.00
On offer to surrender a grant .. .. .	5.00
On hearing by Chief Secretary : by applicant and opponent respectively .. .. .	5.00
For altering name or address in register .. .. .	1.00
On request to enter in register name of subsequent grantee or notice of interest or notification of a document ..	2.00
On request to Chief Secretary to correct a clerical error before signing and sealing of grant .. .. .	1.00
Do., after signing and sealing of grant .. .. .	5.00
For certificate of Chief Secretary under Section 54 .. ..	1.00
For duplicate of grant .. .. .	10.00
On notice of order of Court for amendment of specification or rectification of register .. .. .	2.00
For search or inspection .. .. .	.50
For copies from register, every 100 words but never less than 50 cents .. .. .	.15
For certifying copies, each .. .. .	.50

## ENACTMENT NO. 20 OF 1914.

An Enactment to impose a duty on the property of Bodies Corporate and Unincorporate.

ARTHUR YOUNG.

*President of the Federal Council.*

[10th December, 1914.

16th December, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and  
commence-  
ment.

1. This Enactment may be cited as "The Corporations Duty Enactment, 1914," and shall come into force on the publication thereof in the *Gazette*.

Interpretation.

2. In this Enactment—

"Collector" means in any State the officer appointed under the "Stamp Enactment, 1897," to be Collector ;

"Body unincorporate" includes every unincorporated company, fellowship, society, association, and trustee or number of trustees to or in whom respectively any movable or immovable property belongs in such manner or is vested upon such permanent trusts that the same is not liable to duty on the affidavit for the Collector on application for grant of probate or letters of administration ;

"Accountable officer" means every treasurer, receiver, secretary, or other officer, trustee, or member of a body corporate or unincorporate by whom the annual income or profits of property in respect whereof duty is chargeable under this Enactment shall be received or in whose possession or under whose control the same shall be.

Duty on  
property of  
corporate or  
unincorporate  
bodies.

3. There shall be levied and paid in each State to the Government thereof in respect of all movable and immovable property in such State which shall have belonged to or been vested in any body corporate or unincorporate during the year ending on the 31st day of December, 1915, or during any subsequent year ending on the 31st day of December a duty at the rate of three per centum upon the annual income or profits of such property accrued to such body corporate or unincorporate in the same year after deducting therefrom all necessary outgoings including the receiver's remuneration and costs, charges, and expenses properly incurred in the management of such property.

Provided that the following classes of property shall be exempt from such duty—

(a) Property which or the income or profits whereof shall be legally appropriated and applied within the Federated Malay States or the Colony for the benefit of the public at large or of any district, township, or place or the inhabitants or rate-payers thereof or in any manner expressly prescribed by Enactment.



- (b) Property which or the income or profits whereof shall be applied to any religious, educational, or charitable purpose within the Federated Malay States or the Colony.
- (c) Property belonging to or constituting the capital of a body corporate or unincorporate established for any trade or business or being the property of a body whose capital stock is so divided and held as to be liable to be charged with stamp duty on affidavits for the Collector.
- (d) Property which or the income or profits whereof shall be applied to the relief of any persons who shall have resided for not less than three years in the Federated Malay States or in the Colony or of any dependents of such persons.

4. The duty hereby imposed shall be collected by means of stamps and shall in each State be under the care and management of the Collector who by himself and his officers shall have the same powers and authorities for the collection and management thereof as are vested in them for the collection and management of the stamp duty on affidavits for the Collector on applications for grant of probate or letters of administration and shall have all other powers and authorities requisite for carrying this Enactment into execution.

Duty to be under care of Collector.

5. Subject to the provisions of any other Enactment, the duty hereby imposed shall be a first charge on all the property in respect whereof the same is payable while such property remains in the possession or under the control of the body corporate or unincorporate chargeable with such duty or of any person or persons acquiring the same with notice of any such duty being in arrear, and every such body corporate or unincorporate and every accountable officer shall to the full extent thereof be liable for the payment of the duty charged thereon.

Duty to be a first charge on the property.

6. (i) Every body corporate or unincorporate chargeable with the duty hereby imposed shall on or before the 31st day of March in the year 1916 and in every subsequent year deliver or cause to be delivered to the Collector for the State wherein is situate any property in respect whereof any such duty is payable a full and true account of all such property and of the gross annual income or profits thereof accrued to the same body in the year ended on the preceding 31st day of December and of all deductions claimed in respect thereof, whether by relation to any of the before-mentioned exemptions from such duty or as necessary outgoings.

Account of property to be delivered to Collector.

(ii) The account shall be made in such form and shall contain all such particulars as the Collector shall by any general or special notice require or as shall be necessary or proper for enabling him fully and correctly to ascertain the duty due, and every accountable officer hereinbefore made liable for payment of duty in respect of any property chargeable under this Enactment shall be liable also for the delivery to the Collector of such full and true account as aforesaid of and relating to such property.

7. Every accountable officer shall be at liberty to retain or raise out of any moneys of any body corporate or unincorporate which shall be held by him or shall come to his hands the full amount of all moneys which he shall pay or have paid on account of the duty

Power for accountable officers to retain moneys for payment of duty.

hereby imposed and all reasonable expenses incident to such payment.

Power to the Collector to assess duty according to accounts rendered or to obtain other accounts.

8. (i) It shall be lawful for the Collector in any State to assess the duty upon the footing of any account rendered to him or, if dissatisfied with such account or in the event of no account being rendered, to cause an account to be taken by any person or persons appointed by himself for that purpose and to assess the duty on the footing of such last mentioned account, subject to appeal by petition to the Supreme Court.

(ii) If the duty so assessed shall exceed the duty assessable according to the account rendered to the Collector and with which he is dissatisfied and if no appeal is preferred against such assessment, then it shall be in the discretion of the Collector, having regard to the merits of each case, to charge the whole or any part of the expenses incident to the taking of such last mentioned account on any funds liable to such duty as an addition thereto and part thereof and to recover the same accordingly; but if an appeal is preferred against such assessment, then the payment of such expenses shall be in the discretion of the Court.

(iii) The duty shall be payable immediately after the assessment, notwithstanding any appeal therefrom; provided that in the event of the amount of the assessment being reduced by the order of the Court the difference in amount shall be repaid with such interest (if any) as the Court may allow.

Penalties for not delivering accounts and for non-payment of duty.

9. (i) Every body corporate or unincorporate and every accountable officer hereby required to deliver to the Collector for any State any such account as aforesaid and wilfully neglecting so to do on or before the 31st day of March in any year shall forfeit to the Government of such State the sum of five hundred dollars and also shall be liable to pay to the said Government double the amount of duty chargeable and the same shall be a debt due to the said Government.

(ii) Every body corporate or unincorporate and every accountable officer hereby required to pay any duty and wilfully neglecting to do so for a space of one month after the same has become payable shall forfeit to the Government of the State to which such duty is due the sum of five hundred dollars and also shall be liable to pay to the said Government double the amount of duty chargeable and the same shall be a debt due to the said Government.

Powers of Collector.

10. (i) The Collector for any State may at any time require written accounts and statements and answers to enquiries relating to any movable or immovable property in such State to which this Enactment applies from any person being in respect of such property an accountable officer or being in the beneficial receipt of any funds thereof or of any income therefrom or in the possession or occupation or having the management of any such property as aforesaid or having the possession, custody, or control of any document concerning any such property.

(ii) The Collector may require any such person as aforesaid to attend before him at such reasonable times and places as the Collector may appoint for the purpose of being examined in relation

to any property to which this Enactment applies and to answer such questions as may be put to him and to produce upon such examination any document in his custody or power relating to such property and may examine upon oath or affirmation any such person and may for the purposes of such examination administer oaths and affirmations.

(iii) Any person refusing or wilfully neglecting to comply with any requisition or order of the Collector made under the provisions of this section or destroying or withholding any document required to be produced by him shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred dollars and, if after such conviction the offence be continued, to a fine not exceeding fifty dollars for each day during which the offence is so continued.

11. In the case of any proceeding in the Supreme Court for the administration of any property chargeable with duty under this Enactment the Court shall provide out of any such property in its possession or control for the payment of the duty to the Collector.

Court to provide for payment of duty in administration cases.

## ENACTMENT NO. 22 OF 1914.

As amended by Fed. E. 26 of 1915.

An Enactment to make provision for matters relating to  
Advocates and Solicitors.

ARTHUR YOUNG, [10th December, 1914.  
*President of the Federal Council.* 16th December, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title,  
commencement,  
and repeal.

1. (i) This Enactment may be cited as “The Advocates and Solicitors Enactment, 1914,” and shall come into force in the States of Perak, Selangor, and Negri Sembilan upon the publication thereof in the *Gazette* and in the State of Pahang on such day as shall be fixed for that purpose by the Chief Secretary to Government by notification in the *Gazette*.

(ii) Upon the coming into force of this Enactment the Enactments mentioned in the schedule shall be repealed to the extent specified in the fourth column thereof.

Interpretation.

2. In this Enactment, unless the context otherwise requires—

“ Advocate and Solicitor ” means an advocate and solicitor of the Supreme Court ;

“ Client ” includes any person who, as principal or on behalf of another person, retains or employs or is about to retain or employ an advocate and solicitor and any person who is or may be liable to pay the bill of costs of an advocate and solicitor ;

“ Judicial Commissioner ” means a Judicial Commissioner sitting in Chambers and includes, in cases where he is empowered to act, the Registrar ;

“ Registrar ” means the Registrar of the Supreme Court and includes, except in Sections 3, 4, and 11, an Assistant Registrar ;

“ The Court ” means the Supreme Court or a Judicial Commissioner when sitting in open Court.

### THE ROLL AND CERTIFICATES TO PRACTISE.

Roll of  
advocates and  
solicitors.

3. There shall be kept in each of the Federated Malay States a Roll of the advocates and solicitors of the Supreme Court, with the dates of their respective admissions, and there shall be entered upon such Roll in order the name with date of admission of every person admitted. The admission of any person shall be forthwith notified by the Registrar at Kuala Lumpur to the Assistant Registrars, for entry in the Rolls in their custody.

4. (i) It shall be the duty of every advocate and solicitor, every year before he does any act in the capacity of an advocate and solicitor, to deliver to the Registrar a note in writing, stating his full name and the full names of each of his partners (if any) and of any advocate and solicitor of the Supreme Court in his employ; and, upon payment of the proper duty, each of the persons mentioned in such note shall be entitled to a certificate authorizing him to practise in the Federated Malay States. Certificate to practise.

(ii) The certificate shall be issued by the Registrar at Kuala Lumpur and shall be in force from the date of issue to the end of the year; but any certificate taken out during the month of January shall be deemed to have been in force from the first day of the month.

(iii) Any person who shall practise as an advocate and solicitor in the Federated Malay States, who Penalty.

(a) has not a certificate in force authorizing him to practise; or

(b) is in partnership with a person not having such a certificate;  
or

(c) has in his employ any advocate and solicitor residing in the Federated Malay States, not having such a certificate;

shall be guilty of an offence and shall be liable to a fine not exceeding five hundred dollars, and he shall not, nor shall any firm of advocates and solicitors in which he is a partner, be entitled to recover any costs, fee, reward, or disbursement incurred during the time when he, or any other person as aforesaid, has not had a certificate to practise.

(iv) Nothing in this section shall apply to the Legal Adviser to the Government of the Federated Malay States or to any person acting under his authority.

(v) An offence under this section shall be punishable before the Court of a Magistrate of the First Class.

## CONTROL OF ADVOCATES AND SOLICITORS AND STRIKING THEM OFF THE ROLL.

5. Advocates and solicitors shall be subject to the control of the Supreme Court and shall be liable, on due cause shewn, to be suspended from practice for any period not exceeding two years or struck off the Roll. Power to suspend or strike off the Roll.

Such due cause may be shown by proof—

(a) that such person has been convicted of a criminal offence implying a defect of character which unfits him for his profession; or

(b) that such person has been guilty of fraudulent or grossly improper conduct in the discharge of his professional duty; or

(c) that such person has been adjudicated bankrupt and has been guilty of any of the acts or omissions mentioned in Section 28 (iii) (a) (b) (c) (d) (e) (f) (h) or (i) of "The Bankruptcy Enactment, 1912"; or

- (d) that such person has tendered or given or consented to the retention, out of any fee payable to him for his services, of any gratification for having procured the employment in any legal business of himself or any other qualified person ; or
- (e) that such person has directly or indirectly procured, or attempted to procure, the employment of himself or any other qualified person through or by the instruction of any person to whom any remuneration for obtaining such employment has been given by him or agreed or promised to be so given ; or
- (f) that such person carries on by himself, or any person in his employment, the business of an auctioneer or employs any person as his clerk who carries on business as an auctioneer ; or
- (g) that such person allows any clerk or other unqualified person to undertake or carry on legal business in his name, such other person not being under such direct and immediate control of his principal as to ensure that he does not act without proper supervision ; or
- (h) that such person has done some other act which would render him liable to be disbarred or suspended or struck off the Rolls of the Court, if a barrister or solicitor in England.

Procedure in case of misconduct by advocates and solicitors.

6. Applications that an advocate and solicitor may be suspended from practice or that he be struck off the Roll shall be by motion for an order calling upon the advocate and solicitor to shew cause. An application for an order to shew cause may be made to the Court in its ordinary jurisdiction and shall be returnable before the Chief Judicial Commissioner and at least one Judicial Commissioner.

Copy of affidavit to be served with order to shew cause.

7. A copy of the affidavit upon which the order was granted shall be served with the order upon the advocate and solicitor named in the order.

Service personal on advocate and solicitor within the Federated Malay States, otherwise procedure *ex parte*.

8. If the advocate and solicitor named in the order shall be or is believed to be within the Federated Malay States, the provisions of "The Civil Procedure Code, 1902," for service of summons shall apply to the service of the order ; but if the advocate and solicitor shall not be within the Federated Malay States, the Court may give such directions for the service of the order, or for notice thereof, as it shall think fit or may proceed to make the order absolute *ex parte* ; but any order absolute, made in cases where personal service of the order to shew cause has not been effected, may be set aside on the application of the advocate and solicitor on good cause being shewn ; any such application shall be made to a Court of two Judicial Commissioners of whom the Chief Judicial Commissioner shall be one.

Account by advocate and solicitor.

9. Where the relationship of solicitor and client exists or has existed, a summons may be issued by the client or his representatives for the delivery of a cash account or the payment of moneys or the delivery of securities, if the advocate and solicitor has made

default in such delivery or payment for the period of seven days after written notice has been served on him requiring him to make such delivery or payment, and the Court or a Judicial Commissioner may from time to time order the respondent to deliver to the applicant a list of the moneys or securities which he has in his custody or control on behalf of the applicant or to bring into Court the whole or any part of the same within such time as the Court or a Judicial Commissioner may order. In the event of the respondent alleging that he has a claim for costs, the Court or a Judicial Commissioner may make such provision for the payment or security thereof or the protection of the respondent's lien (if any) as the Court or a Judicial Commissioner may think fit.

10. If during the taxation of any bill of costs or the taking of any account between an advocate and solicitor and a client it shall appear to the Registrar that there must in any event be moneys due from the advocate and solicitor to the client, the Registrar may from time to time make an interim certificate as to the amount so payable by the advocate and solicitor. Upon the filing of such certificate the Court or a Judicial Commissioner may order the moneys so certified to be forthwith paid to the client or brought into Court. Interim  
certificate.

#### BAR COMMITTEE.

11. Whenever the number of the advocates and solicitors practising in the Federated Malay States shall exceed ten, it shall be the duty of the Registrar at Kuala Lumpur in the month of January in each year to summon a meeting of the advocates and solicitors practising in the Federated Malay States at a time and place to be fixed by him. The senior advocate and solicitor present shall preside at such meeting and the advocates and solicitors present shall elect a Committee of five members and any Committee elected by such meeting and certified by the chairman as elected shall be deemed to be the Bar Committee of the Federated Malay States until the next Committee has been appointed. Election of Bar  
Committee.

12. (i) It shall be the duty of the Bar Committee to appoint a secretary and to enquire into and, if they shall think it necessary, make representations to the Court with regard to the character of persons desiring to be admitted to the Roll of advocates and solicitors and to enquire into and, if they shall think it necessary, make reports to the Court with regard to any complaints against the conduct of any advocate and solicitor which may be brought before it. Duty of Bar  
Committee.

(ii) The Court or a Judicial Commissioner may order any person to appear before a Bar Committee on an enquiry under this section and to bring and produce before it such books, papers, and writings as are specified in the order. Every such person shall accordingly attend before the Committee and shall produce the books, papers, and writings specified in the order according to the tenor of such order and shall be legally bound to tell the truth.

(iii) In Sections 193 and 228 of the Penal Code the words "judicial proceeding" shall be held to include any enquiry under

this section, and in the last mentioned of such sections the words "public servant" shall be taken to include a member of the Bar Committee taking part in such enquiry as aforesaid.

Power to fill up vacancies.

13. The Bar Committee shall have power to fill up any vacancy which may be caused by death or resignation during its year of office.

Names to be published in *Gazette*.

14. The names of the Bar Committee elected and of any persons appointed to fill any vacancies shall be published in the *Gazette*.

Right to appear before Supreme Court.

15. The Bar Committee shall have the right to appear before the Court by any of its members, or by other advocates and solicitors, on any application for admission to the Roll of advocates and solicitors or for suspension from practice or for striking off the said Roll.

Meetings and procedure.

16. The Bar Committee may meet from time to time for the transaction of business or otherwise and may make rules of procedure and may fix a quorum.

#### PRIVILEGES OF ADVOCATES AND SOLICITORS.

Exclusive right to appear and plead.

17. (i) Advocates and solicitors shall, subject to the provisions of any written law, have the exclusive right to appear and plead in all Courts of Justice in the Federated Malay States, according to the law in force in such Courts.

(ii) Nothing herein contained shall prevent any litigant in person or any person having a right to appear under "The Civil Procedure Code, 1902," or any other written law from attending, pleading, and doing any act with regard to any proceeding in which he is a litigant in person or in which he has a right to appear.

Leave to managing clerk to appear in Chambers.

18. A Judicial Commissioner may, if he shall think fit, on the application of any advocate and solicitor or firm of advocates and solicitors, allow any person certified by him or them to be a *bonâ fide* managing clerk in his or their employment to appear before the Judicial Commissioner or Registrar in Chambers on behalf of such advocate and solicitor or firm. Such permission shall only extend to the said clerk while in the employ of the particular advocate and solicitor or firm and during the pleasure of such Judicial Commissioner.

Unqualified person practising or holding himself out as an advocate and solicitor.

E. 26 of 1915.

19. Any person, other than an advocate and solicitor, who shall

(a) act as an advocate and solicitor, or

(b) except as provided by the Code of Civil Procedure in force for the time being, in the Supreme Court on behalf of any other person apply for any summons or process or in any Court on behalf of any other person commence, carry on, or defend any suit or other proceeding, or,

(c) wilfully and falsely pretend to be, or take or use any name, title, addition, or description implying that he is, duly qualified to act as an advocate and solicitor or that he is recognized by law as so qualified,



shall be guilty of an offence and be liable to a fine not exceeding five hundred dollars.

**21.** (i) *The provisions of Section 19 do not extend to the Legal Adviser to the Government of the Federated Malay States or any person acting under his authority.*

Section 29  
repealed by  
E. 26 of 1915.  
Application of  
Section 19.  
E. 26 of 1915.

(ii) *All offences under Section 19 shall be punishable before a Magistrate of the First Class.*

Jurisdiction.

## REMUNERATION OF ADVOCATES AND SOLICITORS BY AGREEMENT.

**22.** It shall be lawful for an advocate and solicitor to make an agreement in writing with his client respecting the amount and manner of payment for the whole or any part of his costs in respect of business done or to be done by such advocate and solicitor either by a gross sum or by commission or percentage or salary or otherwise, and either at the same or at a greater or at a less rate as or than the rate at which he would otherwise be entitled to be remunerated; but every such agreement shall be subject to the provisions and conditions contained in Sections 23 to 33, inclusive.

Agreement as to  
remuneration.

**23.** Such an agreement as is mentioned in the last preceding section shall not affect the amount of, or any rights or remedies for the recovery of, any costs recoverable from the client by any other person or payable to the client by any other person, and any such other person may require any costs payable or recoverable by him to or from the client to be taxed according to the rules for the time being in force for the taxation of such costs, unless such person has otherwise agreed; provided that the client who has entered into such agreement shall not be entitled to recover from any other person, under any order for the payment of any costs which are the subject of such agreement, more than the amount payable by the client to his own advocate and solicitor under the same.

Saving of  
interests of  
third parties  
when agree-  
ment entered  
into.

**24.** Such an agreement shall be deemed to exclude any further claim of the advocate and solicitor beyond the terms of the agreement in respect of any services, fees, charges, or disbursements in relation to the conduct and completion of the business with reference to which the agreement is made, except such services, fees, charges, or disbursements (if any) as are expressly excepted by the agreement.

Agreement  
excludes  
further claim.

**25.** A provision in any such agreement that the advocate and solicitor shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such advocate and solicitor, shall be wholly void.

Reservation of  
responsibility  
for negligence.

**26.** No action or suit shall be brought or instituted upon any such agreement, but every question respecting the validity or effect of any such agreement may be examined and determined and the agreement may be enforced or set aside without suit or action, on summons, motion, or petition of any person or the representatives of any person a party to such agreement or being or alleged to be

Enforcing  
agreements.

liable to pay or being or claiming to be entitled to be paid the costs, fees, charges, or disbursements in respect of which the agreement is made, by the Court or a Judicial Commissioner.

Power to set  
aside improper  
agreements.

**27.** Upon any such summons, motion, or petition as aforesaid, if it shall appear to the Court or Judicial Commissioner that such agreement is in all respects fair and reasonable between the parties, the same may be enforced by such Court or Judicial Commissioner by rule or order in such manner and subject to such conditions (if any) as to the costs of such summons, motion, or petition as such Court or Judicial Commissioner may think fit; but, if the terms of such agreement shall not be deemed by the Court or Judicial Commissioner to be fair and reasonable, the same may be declared void, and the Court or Judicial Commissioner shall thereupon have power to order such agreement to be given up to be cancelled and may direct the costs, fees, charges, and disbursements incurred or chargeable in respect of the matters included therein to be taxed in the same manner and according to the same rules as if such agreement had not been made; and the Court or Judicial Commissioner may also make such order as to the costs of and relating to such summons, motion, or petition and the proceedings thereon as to the Court or Judicial Commissioner may seem fit.

Re-opening  
after payment.

**28.** When the amount agreed for under any such agreement has been paid by or on behalf of the client or by any person chargeable with or entitled to pay the same, the Court or a Judicial Commissioner may, on application by the person who has paid such amount within twelve months after payment thereof, if it appears to the Court or Judicial Commissioner that the special circumstances of the case require the agreement to be re-opened, re-open the same and order the costs, fees, charges, and disbursements to be taxed and the whole or any portion of the amount received by the advocate and solicitor to be repaid by him on such terms and conditions as to the Court or Judicial Commissioner may seem just.

Agreement by  
guardian or  
trustee.

**29.** Where any such agreement is made by the client in the capacity of guardian or of trustee under a deed or will or of committee of any person or persons whose estate or property will be chargeable with the amount payable under such agreement or with any part of such amount, the agreement shall before payment be laid before the Registrar, who shall examine the same and may disallow any part thereof or may require the direction of the Court or a Judicial Commissioner to be taken thereon by summons, motion, or petition, and if in any such case the client pay the whole or any part of the amount payable under the agreement without the previous allowance of the Registrar or Court or Judicial Commissioner as aforesaid, he shall be liable at any time to account to the person whose estate or property is charged with the amount paid, or with any part thereof, for the amount so charged, and, if in such case the advocate and solicitor accept payment without such allowance, any Court which would have had jurisdiction to enforce the agreement may, if it think fit, order him to refund the amount so received by him under the agreement.

**30.** Nothing in this Enactment shall give validity to any purchase by an advocate and solicitor of the interest or any part of the interest of his client in any suit, action, or other contentious proceeding to be brought or maintained or to give validity to any agreement by which an advocate and solicitor retained or employed to prosecute any suit or action stipulates for payment of any sum only in the event of success in such suit, action, or proceeding.

Certain stipulations not validated.

**31.** Nothing in this Enactment shall give validity to any disposition, contract, settlement, conveyance, delivery, dealing, or transfer which may be void or invalid against the Official Assignee under the provisions of any laws relating to bankruptcy.

Contracts void in bankruptcy not validated.

**32.** Where an advocate and solicitor has made an agreement with his client in pursuance of the provisions of this Enactment and anything has been done by such advocate and solicitor under the agreement and, before the agreement has been completely performed by him, such advocate and solicitor dies or becomes incapable to act, an application may be made to the Court by any party thereto, or by the representatives of any such party, and the Court shall thereupon have the same power to enforce or set aside such agreement, so far as the same may have been acted upon, as if such death or incapacity had not happened; and the Court, if it shall deem the agreement to be in all respects fair and reasonable, may order the amount due in respect of the past performance of the agreement to be ascertained by taxation, and the Registrar in ascertaining such amount shall have regard, so far as may be, to the terms of the agreement, and payment of the amount found to be due may be enforced in the same manner as if the agreement had been completely performed by the advocate and solicitor.

Death of advocate and solicitor after agreement.

**33.** If, after any such agreement as aforesaid shall have been made, the client shall change his advocate and solicitor before the conclusion of the business to which such agreement shall relate (which, subject to the provisions of any written law, he shall be at liberty to do notwithstanding such agreement), the advocate and solicitor party to such agreement shall be deemed to have become incapable to act under the same within the meaning of the last preceding section and, upon any order being made for taxation of the amount due to such advocate and solicitor in respect of the past performance of such agreement, the Court shall direct the Registrar to have regard to the circumstances under which such change of advocate and solicitor has taken place, and upon such taxation the advocate and solicitor shall not be deemed entitled to the full amount of the remuneration agreed to be paid to him unless it shall appear that there has been no default, negligence, improper delay, or other conduct on his part affording reasonable ground to the client for such change of advocate and solicitor.

Change of advocate and solicitor after agreement.

#### ASSIGNMENT OF ADVOCATES AND SOLICITORS IN SUITS BY PAUPERS.

**34.** Where any person has made application to the Court for permission to sue as a pauper under Chapter XXVI of "The Civil Procedure Code, 1902," the Court may, if it sees no reason to refuse the application on any of the grounds stated in Section 379 of that

Reference to advocate and solicitor for consideration; appointment to appear.

Code and is satisfied of the poverty of the applicant, refer the question of the merits of his case to an advocate and solicitor for consideration, and upon the applicant producing a certificate signed by such advocate and solicitor that he has considered the case and believes him to have good cause of action the Court may, if it permits the applicant to sue as a pauper, appoint an advocate and solicitor to appear for him.

No fee to be taken.

**35.** No fee shall be taken by an advocate and solicitor to whom an application is referred under Section 34.

Advocate and solicitor may not refuse to act.

**36.** Where an advocate and solicitor is appointed to appear for a person admitted to sue as a pauper, such advocate and solicitor shall not be at liberty to refuse to act and appear unless he satisfies the Court or a Judicial Commissioner that he has some good reason for refusing.

No fee or reward to be taken or sought.

**37.** Whilst a person sues as a pauper, no person shall take or agree to take or seek to obtain from him any fee, profit, or reward for the conduct of his business in the Court, and any person who takes or agrees to take or seeks to obtain any such fee, profit, or reward shall be guilty of a contempt of Court.

Notice of motion, summons, or petition to be signed by advocate and solicitor.

**38.** No notice of motion shall be served or summons issued and no petition shall be presented on behalf of any person admitted to sue as a pauper, if an advocate and solicitor has been assigned to him, except for the discharge of such advocate and solicitor, unless it has been signed by his advocate and solicitor.

Duty of advocate and solicitor.

**39.** It shall be the duty of the advocate and solicitor assigned to a person admitted to sue as a pauper to take care that no notice is served or summons issued or petition presented without good cause.

Costs of pauper.

**40.** The Court or a Judicial Commissioner may order costs to be paid to a person admitted to sue as a pauper, and such costs shall, unless the Court or Judicial Commissioner shall otherwise order, be taxed as in other cases.

Charges on sums recovered by pauper.

**41.** When costs have been awarded to be paid to a pauper, the costs allowed to his advocate and solicitor (if any are so allowed) shall, subject to the provisions of Section 383 of "The Civil Procedure Code, 1902," be a first charge upon any sums recovered by him in the action; and, when any sum has been recovered by him and not applied in payment of the fees of Court referred to in the said section, the Registrar shall be at liberty to refuse to allow any further proceedings on behalf of such pauper to be taken in such action until the sum recovered has been applied in payment of such fees.

Pauper appeals.

**42.** The provisions of Sections 34 to 41, inclusive, shall apply *mutatis mutandis* to pauper appeals, where such appeals are lawful.

## RECOVERY OF AND TAXATION OF COSTS.

Interpretation of "advocate and solicitor" in Sections 44 to 54.

**43.** The expression "advocate and solicitor" in Sections 44 to 54, inclusive, shall include the legal representatives of any advocate and solicitor deceased, and if the advocate and solicitor dies pending the proceedings an order may be obtained *ex parte* to revive the proceedings against his representatives.

44. In every case in which an advocate and solicitor shall be employed to prosecute or defend any action in any Court it shall be lawful for the Court before which any such action has been heard or shall be depending to declare such advocate and solicitor entitled to a charge upon the property recovered or preserved, and, upon such declaration being made, such advocate and solicitor shall have a charge upon and against and a right to payment out of the property, of whatsoever nature, tenure, or kind the same may be, which shall have been recovered or preserved through the instrumentality of such advocate and solicitor, for the taxed costs, charges, and expenses of or in reference to such suit, matter, or proceeding; and it shall be lawful for such Court or a Judicial Commissioner to make such order or orders for taxation of and for raising and payment of such costs, charges, and expenses out of the said property as to such Court or Judicial Commissioner shall appear just and proper: provided that no such order shall be made in any case in which the right to recover payment of such costs, charges, and expenses is barred by the provisions of any Enactment.

Charge on property recovered or preserved.

45. No advocate and solicitor, except by leave of the Court, shall commence or maintain any action for the recovery of any fees, charges, or disbursements for any business done by him until the expiration of one month after he shall have delivered to the party to be charged therewith or sent by post to or left with him at his office or place of business, dwelling-house, or last known place of abode a bill of such fees, charges, and disbursements, which bill shall either be signed by such advocate and solicitor (or in the case of a partnership by any of the partners either with his own name or with the name or style of such partnership), or be enclosed in or accompanied by a letter, signed in like manner, referring to such bill.

No action for fees until one month after delivery of bill.

46. The Court may authorize an advocate and solicitor to commence an action for the recovery of his fees, charges, or disbursements and also refer his bill of fees, charges, and disbursements for taxation by the Registrar, although one month shall not have expired from the delivery of the bill, upon proof to its satisfaction that any party chargeable therewith is about to quit the State in which such advocate and solicitor practises or to have a receiving order made against him or to take any other steps or do any other act which in its opinion would tend to defeat or delay such advocate and solicitor in obtaining payment.

Court may authorize action before expiration of one month after delivery of bill.

47. An order for the taxation of a bill of costs delivered by any advocate and solicitor may be obtained on a petition of course by the party chargeable therewith, or by any person liable to pay the same either to the party chargeable or to the advocate and solicitor, at any time within six months from the delivery of such bill or by the advocate and solicitor after the expiration of one calendar month and within a year from such delivery. The order shall contain such directions and conditions as the Court may think proper, and any party aggrieved by any such order of course may apply by summons in Chambers that the same may be amended or varied.

Order for taxation of delivered bill of costs.

Costs of order for taxation fixed at \$5.

**48.** The costs of obtaining an order for taxation of costs, including petition of course, order and service of order but not including any Court fees payable thereon or disbursements, if the same shall be obtained by the advocate and solicitor of the applicant, or by the advocate and solicitor, shall be the sum of five dollars.

After six months from delivery or after payment of special circumstances to be shewn for taxation.

**49.** After the expiration of such six months from the delivery of a bill of costs, or after payment of the same, no order shall be made for taxation of the bill of costs of an advocate and solicitor, except upon notice to the advocate and solicitor and under special circumstances to be proved to the satisfaction of the Court.

Petitions for taxation to contain a submission by such party to pay.

**50.** All petitions by a party chargeable with or liable for a bill of costs shall, unless the same shall have been already paid, contain a submission by such party to pay the amount thereof to such advocate and solicitor when taxed.

Order of delivery of bill of costs to be obtained as of course.

**51.** An order for the delivery of the bill of costs of an advocate and solicitor and for delivery up of any deeds, documents, or other papers in the possession of such advocate and solicitor, subject to any lien which such advocate and solicitor may have, and for the taxation of such bill when delivered may be obtained on a petition of course; and, upon such petition being filed, the Registrar will mark the order thereon forthwith and draw up the order if necessary.

Advocate and solicitor to deliver copy of bill of costs.

**52.** When application is made by a party other than the party chargeable, the Court may order the advocate and solicitor to deliver to the party making the application a copy of the bill upon payment of the costs of making such copy.

Interest on disbursements and advances.

**53.** The Registrar may allow interest, at such rate and from such time as he thinks just, on moneys disbursed by an advocate and solicitor for his client and on moneys of the client in the hands of the advocate and solicitor and improperly retained by him.

Costs of taxation how to be borne.

**54.** In case any order for taxation is made upon the application of the party chargeable or liable or of the advocate and solicitor, the costs of such order and taxation, except when the order has been made after the expiration of one year, are to be paid according to the event of such taxation, that is to say, if the bill when taxed be less by a sixth part than the bill delivered, then the solicitor is to pay such costs, and if the bill when taxed is not less by a sixth part, then the party chargeable or liable, if such application is made by him or if he attends the taxation, is to pay such costs; and every order for such reference is to direct the Registrar to tax the costs of such reference and to certify what, upon such reference, shall be found to be due to or from such advocate and solicitor in respect of such bill and of the costs of such reference (if payable), but the Registrar is to be at liberty to certify specially any circumstances relating to such bill or taxation and the Court is to be at liberty to make thereupon any such order as it may think right respecting the payment of the costs of such taxation; but where such reference is made, when the same is not authorized except under special circumstances, the Court is to be at liberty to give any special directions relative to the costs of such reference.

THE SCHEDULE.  
ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak ..	13 of 1905	The Courts Enactment, 1905	} The words " and the suspending them from practice or striking them off the Rolls " contained in sub-section (ii) of Section 67.
Selangor ..	15 of 1905	Do.	
Negri Sembilan	15 of 1905	Do.	
Pahang ..	13 of 1905	Do.	

## ENACTMENT NO. 23 OF 1914.

An Enactment to repeal and re-enact the "Petroleum Enactments, 1897," being the Law relating to the Carriage and Storage of Petroleum and other Inflammable Oils and Liquids.

ARTHUR YOUNG, [10th December, 1914.  
*President of the Federal Council.* 16th December, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as "The Petroleum Enactment, 1914," and shall come into force upon the publication thereof in the *Gazette*.

(ii) Upon the coming into force of this Enactment the Enactments specified in the schedule hereto shall be repealed to the extent mentioned in the fourth column of the said schedule, but all rules, by-laws, orders, and appointments made and licenses issued under any Enactment hereby repealed which were in force immediately prior to the commencement of this Enactment shall, so far as may be consistent with the provisions of this Enactment, be deemed to have been made and issued under this Enactment.

2. The expression "the licensing authority" means the person or persons hereby empowered to issue licenses.

The word "petroleum" as used in this Enactment shall include the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosene, paraffin oil, petroleum, gasoline, benzol, benzoline, benzine and any like inflammable liquid, whether a natural product or one that is made from petroleum, coal, schist, shale, peat, or any other bituminous substance, or from any products thereof.

The word "place" includes houses, buildings and vehicles and boats and ships of every size and kind; but not a ship merely touching at or discharging cargo in any port or harbour of the Federated Malay States, or a ship of war, or a ship belonging to the Government of the Straits Settlements, or to the Government of the Federated Malay States or any State of the Federated Malay States.

The expression "dwelling house" shall include all buildings appurtenant thereto.

The word "case" shall mean a case containing not more than eight gallons, and when used of petroleum in bulk shall mean eight gallons.

Short title and commencement.

Repeal and saving of existing rules and licenses.

Interpretation.



The expression "local steam vessel" shall mean any steam vessel plying between any of the ports of the Federated Malay States or of the Straits Settlements or plying to or from any place in the Straits of Malacca—that is to say, any place in the Malay Peninsula from Junk Ceylon on the north to Point Romania on the south, including the adjacent islands; and any place on the east coast of Sumatra from Acheen Head on the north to Banka Straits on the south, including adjacent islands; and to or from any place on the south and west coasts of Borneo from Tanjong Sambar to Sarawak, including adjacent islands; and to and from any place on the east coast of the Malay Peninsula from Petâni in the north to Point Romania in the south, including adjacent islands; and to and from any of the islands in the Johore Archipelago.

3. (i) After the coming into force of this Enactment no person shall without a license to be issued as hereinafter is provided, keep in or about any place in the Federated Malay States any larger quantity of petroleum, in

A limited quantity only of petroleum may be kept.

(a) any building situate not less than one hundred yards distant from any dwelling house—

than twenty cases not containing more than eight Imperial British gallons in each case, or one hundred and sixty gallons in all; in

(b) any other place—

than four cases not containing more than eight Imperial British gallons in each case, or thirty-two gallons in all.

Nothing in this section shall apply to any petroleum in course of transit in any railway, boat, ship, or cart, provided that no petroleum shall be deemed to be in course of transit if it is allowed to remain for more than two days in any one place.

(ii) It shall be lawful for any Sanitary Board in any State, as to places for the time being within the limits of its jurisdiction, and for the Resident of the State as to places outside such limits, if satisfied that a larger quantity of petroleum than as above specified may be safely kept in or about any place owing to efficient arrangements having been made for storing the same, to grant licenses for keeping such larger quantity according to the accommodation provided for the same; but so that no new license be granted by such Sanitary Board for any quantity exceeding fifty cases without the concurrence of the Resident of the State.

Licenses in special cases.

(iii) Such licenses may be granted, subject to such conditions as to the licensing authority may seem fit to secure that the place licensed shall be used in a proper manner and without danger to the public or to the persons or property of neighbours.

On conditions.

(iv) Every such license shall set out the quantity of petroleum which may be kept, and the particulars of the accommodation made for storing the same, and the conditions on which the license is granted.

Particulars in license.

(v) The places licensed by a Sanitary Board shall be subject to such by-laws as shall from time to time be made by such Board and

Subject to by-laws.

the places licensed by the Resident of the State shall be subject to such rules as shall from time to time be made by the Resident of the State.

Rules.

(vi) All licenses shall expire on the 31st December in each year, if not sooner cancelled, and the fees shall be paid therefor to the licensing authority according to the following scale :

For a license for twelve months for any quantity not exceeding fifty cases . . . . . \$6

For a license for twelve months for any quantity exceeding fifty cases but not exceeding five thousand . . . \$24

For every additional five thousand cases or part thereof . . . \$24

provided that licenses may be granted for a period not exceeding six months at half the above fees.

Penalty.

4. The occupier of a place in which any petroleum shall be kept in contravention of the provisions of Section 3, or in contravention of the terms or conditions of any license issued under the same section, shall be liable to a penalty not exceeding one hundred dollars a day for each day during which such petroleum is so kept.

Proviso for cancelling licenses.

5. If at any time after the issue of any license under this Enactment it shall be made to appear to the licensing authority that the place licensed has become unfit for the purpose for which it was licensed by reason of the increase of building or of population in its neighbourhood, or that from any other cause any license should for the public safety be cancelled, it shall be lawful for the licensing authority to cancel such license.

Right of appeal to the Resident.

6. Any person feeling aggrieved by any decision of any Sanitary Board in giving, refusing, or cancelling any license under this Enactment, may appeal to the Resident of the State, who shall have power to confirm, vary, amend, or disallow any such decision.

Application of Enactment to other inflammable oils and liquids.

7. The Resident of a State may from time to time make, revoke, and vary orders directing this Enactment, or any part thereof, to apply to any inflammable oil or liquid, and specifying the quantity (if any) of such inflammable oil or liquid which may be kept without a license, and thereupon this Enactment, or the part thereof specified in the order, shall during the continuance of such order apply to such inflammable oil or liquid, and shall be construed and have effect as if throughout it such inflammable oil or liquid had been included in the definition of petroleum hereinbefore contained.

Standard of dangerous petroleum to be fixed by Resident.

8. All petroleum that shall not conform to a standard to be fixed by order of the Resident of the State shall be deemed to be dangerous, and it shall be lawful for the Resident of the State to fix and determine from time to time the tests which shall be applied to petroleum for the purpose of ascertaining whether it is dangerous or not, and to notify the said tests by an order and from time to time to alter, vary, amend, or add to any such order.

Dangerous petroleum.

9. (i) Except as hereafter in this section is provided, no dangerous petroleum within the meaning of the last preceding section shall be kept within the limits of the Federated Malay States, or of any port

or harbour thereof, and any person knowingly keeping except as aforesaid any dangerous petroleum within such limits shall be liable to a penalty not exceeding five hundred dollars for each day or part of a day during which such dangerous petroleum is so kept, and the petroleum may be seized and forfeited.

(ii) The Resident of a State may from time to time make, and when made vary and revoke, rules prescribing the place or places where, and the conditions and charges under which, dangerous petroleum may be landed, transported, and stored in such State, and any person guilty of any breach of or disobedience to any such rules shall be liable to a penalty not exceeding five hundred dollars, and if such breach or disobedience be of a continuing nature, to a penalty not exceeding five hundred dollars for each day or part of a day during which such breach or disobedience continues.

(iii) The liability to forfeiture of any petroleum seized under this section may be determined by a Magistrate, who shall, on proof that such petroleum is liable to forfeiture, condemn the same accordingly, and such petroleum shall thereupon be disposed of or dealt with in such manner as the Resident of the State directs.

**10.** (i) No petroleum shall be carried as deck cargo in any steam vessel unless—

Restrictions  
as to petroleum  
when carried as  
cargo.

(a) The tins, cases, or drums containing the same are completely covered during the whole of the voyage with a tarpaulin covering ;

(b) There is a distance of not less than five feet clear between such petroleum and the cooking galley, and not less than four feet clear between such petroleum and the engine room hatch or boiler casing of such steam vessel ;

(c) There are no deck passengers on board.

(ii) No petroleum in naked tins shall be carried in the hold of any local steam vessel unless such tins be stored in tiers not exceeding eight in depth in a fixed properly ventilated water-tight compartment in the forepart of the hold against the collision bulkhead and not contiguous to any other cargo in that hold except petroleum in cases or drums.

Provided also that nothing in this sub-section contained shall be held to apply to a steam vessel carrying an entire cargo of petroleum in cases and tins or iron drums, if such cargo be fenced off from the boiler bulkhead by a second iron or steel bulkhead parallel thereto and distant not less than twelve inches, the intervening space being kept filled with water, and the holds properly ventilated by ventilators from the bottom of the ship to above the awnings.

(iii) No naked flame shall be used or exposed in the hold of any vessel where petroleum is carried as cargo.

And no work shall be carried on in any hold which contains petroleum in any vessel in any harbour of the Federated Malay States except by the light of day or electric light.

(iv) If any breach of this section is committed in the case of any vessel the owner, charterer, master, and chin-chu shall each of them

be deemed guilty of an offence, and for each offence be liable to a fine not exceeding one thousand dollars.

(v) Nothing in this section contained shall be held to apply to any tank steamer specially constructed for carrying petroleum in bulk.

Inspectors to be appointed and to be public servants under Penal Code.

11. It shall be lawful for the Resident of a State to appoint either permanently or temporarily fit and proper persons to be Inspectors under this Enactment and such Inspectors shall be deemed to be public servants within the meaning of the Penal Code.

Inspectors to have powers to inspect and test.

12. (i) It shall be lawful for the said Inspectors in the execution of their duties to board all vessels arriving with petroleum, and to inspect, examine, and test all petroleum on board such vessels, and in like manner to inspect, examine, and test all petroleum stored in the Federated Malay States, and for such purposes to take samples thereof, and likewise to enter any place where they have reason to believe that petroleum is kept in excess of the quantities allowed by this Enactment.

(ii) It shall also be lawful for the said Inspectors, or for the Harbour Master, or any police officer not below the rank of Sergeant, to board any vessel coming within the provisions of Section 10 for the purpose of ascertaining whether any breach of Section 10 is being or has been committed in the case of such vessel.

Penalty for hindering inspectors.

13. Any person who shall refuse such Inspectors, Harbour Master, or Police Officer access to any place or vessel, or shall otherwise hinder them in the performance of their duty, or shall refuse or neglect to give any information which may reasonably be required of him and which he has it in his power to give, or which he is required by this Enactment to give, shall be liable to a penalty not exceeding two hundred and fifty dollars, and any person furnishing as true information which he knows or has reason to believe to be false shall be deemed guilty of an offence under Section 177 of the Penal Code.

Importer to notify arrival of petroleum.

14. Every importer, consignee, or owner of any petroleum shall on the arrival of the vessel containing such petroleum, or as soon thereafter as possible, notify to an Inspector the name of the vessel containing the petroleum, together with such other particulars as may be necessary to enable an Inspector to inspect such petroleum, whereupon an Inspector shall as soon as possible after the receipt of such notification proceed to inspect such petroleum, and every importer, consignee, or owner failing to notify such arrival as aforesaid shall be liable to a penalty not exceeding two hundred dollars.

Inspectors to give notice what petroleum is dangerous.

15. In every case where an Inspector shall find that any petroleum imported into or stored within the Federated Malay States is dangerous within the meaning of Section 8 such inspector shall forthwith give notice to the master or person having charge or command of the vessel where such dangerous petroleum may be, or to the owner or agent of the owner of such vessel, or to the owner, consignee, or importer of such petroleum, or to the proprietor, occupier, or person in charge of the place where such petroleum may be stored, as the case may be, that such petroleum is dangerous.

**16.** Convictions for offences under this Enactment may be had before a Magistrate, and all fines and penalties under this Enactment shall be recovered before a Magistrate in the manner provided by law for the recovery of fines before Magistrates. Convictions to be summary. Fines, how recovered.

**17.** The powers of granting licenses vested in the Resident by this Enactment may be exercised by any person or persons thereunto authorized by him in writing. Delegation of powers.

**18.** (i) The Resident of a State may from time to time with the approval of the Chief Secretary to Government make rules Rules.

(a) to prescribe fees and charges to be paid in respect of any matter or thing authorized or required by or under this Enactment to be done in respect whereof fees or charges are not expressly imposed by the provisions of this Enactment;

(b) generally, to provide for the due carrying out of the provisions of this Enactment.

(ii) Any rules made in pursuance of this section may impose a fine for the breach of any such rule, but such fine shall not exceed one hundred dollars for each offence, or in the case of a continuing offence ten dollars for each day during which the offence continues, and shall not be a minimum fine.

**19.** Any orders, rules, or by-laws made under this Enactment shall be published in the *Gazette* and shall thereupon have the same force as if enacted in this Enactment. Rules, when operative.

SCHEDULE.

ENACTMENTS REPEALED.

State.	No. and year.	Short title.	Extent of repeal.
Perak ..	12 of 1897	The Petroleum Enactment, 1897	The whole
Selangor ..	6 of 1897	Do.	„
N. Sembilan	17 of 1897	Do.	„
Pahang ..	24 of 1897	Do.	„
„ ..	2 of 1912	The Petroleum Enactment, 1897, Amendment Enactment, 1912	„

## ENACTMENT NO. 25 OF 1914.

### An Enactment to incorporate the Federated Malay States Chamber of Mines.

ARTHUR YOUNG, [10th December, 1914.  
*President of the Federal Council.* 16th December, 1914.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

Short title and  
commence-  
ment.

1. This Enactment may be cited as “The Federated Malay States Chamber of Mines Incorporation Enactment, 1914,” and shall come into force upon the publication thereof in the *Gazette*.

#### INCORPORATION.

Federated  
Malay States  
Chamber of  
Mines to be a  
body corporate.

2. The persons now members of the voluntary association known as the Federated Malay States Chamber of Mines and all such persons as may hereafter become members of the body corporate hereby constituted pursuant to the provisions of this Enactment or of by-laws made thereunder shall be a body corporate by the name of the “Federated Malay States Chamber of Mines” (hereinafter referred to as “the Chamber”) and by the same name shall have perpetual succession and shall and may have and use a common seal with power to break, alter, and make anew the said seal from time to time, as to the Chamber may seem fit, and by the same name may sue and be sued in all Courts and in all manner of actions and suits and may do all other matters and things incidental or appertaining to a body corporate.

Acquisition and  
disposal of  
property.

3. The Chamber or any person on its behalf shall be entitled to acquire any immovable property whatsoever or interests therein now held by or belonging to the said voluntary association or by or to any person on its behalf and also to acquire any additional immovable property whatsoever and to hold all or any immovable property which the Chamber is hereby authorized to acquire in perpetuity or on lease or otherwise and from time to time to grant, demise, alienate, mortgage, charge, or otherwise dispose of the same or any part thereof.

#### OBJECTS.

Objects of the  
Chamber.

4. The objects for which the Chamber is incorporated are :

- (a) To acquire and take over and carry on the said voluntary association at present known as the Federated Malay States Chamber of Mines together with all the movable and immovable property of every description vested in or belonging to the said association or any trustees on its behalf.

- (b) To protect and advance the general interests of the mining community in Malaya, to collect, classify, and diffuse mining information, to consider all questions connected with the mining industry and promote public discussion thereon, to institute, whenever necessary, a Court of Arbitration for the purpose of adjusting disputes or differences connected with the mining industry that may be referred to its decision, to promote, support, or oppose any legislative or other measures affecting the mining industry in Malaya, and to communicate and exchange information upon mining matters to and with mining associations in the Federated Malay States and elsewhere.
- (c) To solicit and receive subscriptions and gifts of all kinds, whether absolute or conditional, for the purposes of the Chamber.
- (d) Generally to do all things necessary or expedient for the proper and effective carrying out of any of the objects aforesaid.

5. The income of the Chamber shall be applied solely towards the promotion of the objects of the Chamber as set forth in this Enactment and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise howsoever by way of profit to any member of the Chamber; provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officer or servant of the Chamber or to any member thereof in return for services actually rendered to the Chamber nor shall any thing herein contained be deemed to prevent the Chamber from giving financial support to such charitable and other institutions and causes as may be thought proper.

Application of income.

## MEMBERSHIP.

6. The members of the Chamber shall consist of

Membership.

- (a) President and Vice-Presidents, whether annual or for life;
- (b) Ordinary members, whether annual members or life members;
- (c) Visiting members and honorary members.

7. The President, Vice-Presidents, and ordinary, visiting, and honorary members shall have such respective rights of attending meetings of the Chamber and voting thereat and such other rights and privileges as may be prescribed by the by-laws of the Chamber in force for the time being.

Rights of members.

8. (i) The ordinary members shall comprise any persons, other Chambers of Mines, corporations, or companies connected with the mining industry who or which may desire to join the Chamber and shall have been duly elected as ordinary members thereof in accordance with the by-laws of the Chamber in force for the time being.

Ordinary members.

(ii) Membership, in the case of any other Chamber of Mines, shall confer upon the individual members of such Chamber full membership of the Chamber, including the right to be present at all meetings of the Chamber and to vote individually.

Visiting  
members and  
honorary  
members.

9. The visiting members and honorary members shall comprise such persons as may have been admitted or elected as visiting members or honorary members, respectively, in accordance with the by-laws of the Chamber in force for the time being.

### MANAGEMENT.

Council of  
management.

10. The management of the Chamber shall be vested in a council consisting of the President and such number of Vice-Presidents and ordinary members as shall be authorized by the by-laws of the Chamber in force for the time being.

Election of  
President, Vice-  
Presidents,  
and council.

11. The President, the Vice-Presidents, and the council shall be elected annually at the ordinary general meeting of the Chamber, and the retiring President, Vice-Presidents, and members of the council shall be eligible for re-election; provided that no ordinary member shall be eligible for election to the position of President, Vice-President, or member of the council whilst holding any salaried office under the Chamber. All casual vacancies in the post of President or Vice-President or on the council shall be filled by the council.

Powers of the  
council.

12. All the powers of the Chamber shall be vested in and be exercisable by the council, except so far as the same are by this Enactment or by the by-laws of the Chamber in force for the time being expressly required to be exercised by the Chamber in general meeting.

### BY-LAWS.

By-laws.

13. The by-laws set forth in the schedule hereto shall be the by-laws of the Chamber, subject to any revocation or alteration thereof in manner hereinafter provided.

Alteration  
of by-laws.

14. The by-laws or any of them may from time to time be revoked, altered, or added to by the Chamber in general meeting, provided that due notice shall have been given to the members of the Chamber of the proposed revocation, alteration, or addition.

Approval of  
Chief Secretary  
to Government  
and publication  
in the *Gazette*.

15. No by-law not contained in the schedule hereto and no revocation, alteration, or addition of or to any by-law shall come into operation until the same shall have been approved by the Chief Secretary to Government, Federated Malay States, and shall have been published in the *Gazette*. A certificate of such approval under the hand of the said Chief Secretary shall be conclusive evidence of such approval.

### THE SCHEDULE.

#### BY-LAWS.

#### ELECTION OF ORDINARY MEMBERS.

1. A candidate for admission to the Chamber as an ordinary member shall make an application in the following form :



## FEDERATED MALAY STATES CHAMBER OF MINES.

## APPLICATION FOR MEMBERSHIP.

$\frac{I}{we}$  (name in full).....of.....(description).....desire to become a member of the Federated Malay States Chamber of Mines.

In the event of  $\frac{my}{our}$  being elected,  $\frac{I}{we}$  hereby undertake to pay an annual subscription of dollars.....(S.....).

$\frac{I}{we}$  have read the by-laws of the Chamber and  $\frac{I}{we}$  now undertake to be subject to the said by-laws, or any other by-laws which may be added to or substituted for the said by-laws, for so long as  $\frac{I}{we}$  continue to be  $\frac{a\ member}{members}$  of the Chamber and to accept the ruling of the council for the time being on all matters relating to the said by-laws and on all other matters in respect whereof powers are by the said by-laws vested in the council.

In witness whereof  $\frac{I}{we}$  have hereunto set  $\frac{my\ hand}{our\ hands}$  this..... day of....., 19...

Signed by.....in the presence of.....

Proposer.....

Secunder.....

A candidate must be proposed by one ordinary member and seconded by another, and his name, address, and designation, together with the names of his proposer and seconder, shall be entered in a book to be kept by the Chamber for that purpose.

2. The secretary shall thereupon post on the notice board of the Chamber a notice of the candidature giving the name of the candidate and of his proposer and seconder.

3. One month after a candidate has been duly proposed and seconded he shall become eligible for election.

4. The election of ordinary members shall be by ballot of the members of the council, of whom not less than six shall record their votes. One black ball in five shall exclude. Each member of the council voting shall sign his name in a book kept for that purpose, which shall be produced at each council meeting.

5. On the election of a candidate the secretary shall notify the fact to him by registered post and forward to him a copy of the by-laws with a bill for the amount of his subscription for the current year. The payment of such bill shall qualify such candidature as an ordinary member of the Chamber.

6. Should the candidate fail to pay such bill within one month from the date of his election, the election shall be void, but the council shall have power to re-elect such candidate upon satisfactory explanation by him of such failure.

7. No newly-elected ordinary member shall participate in any of the advantages or privileges of the Chamber or vote upon any question until he shall have paid his subscription.

8. A candidate who has been rejected shall not be again proposed until after an interval of six months, and a candidate who has been twice rejected shall not be proposed again.

#### SUBSCRIPTION AND VOTING.

9. (a) The rate of annual subscription for corporations or companies shall be \$200, payment whereof shall entitle the subscribing corporation or company to ten votes at all general meetings of the Chamber.

(b) In the case of corporations and companies which have not yet paid a dividend or which in the opinion of the council are not in a position to pay the full subscription, the council of the Chamber may reduce the annual subscription to such an amount and for such a period of time as it may think fit.

(c) The number of votes to which a company whose subscription has been reduced by the council shall be entitled shall be regulated in the manner prescribed by clause (d) of this by-law for regulating the number of votes of individual ordinary members.

(d) The rate of annual subscription for individual ordinary members shall be \$10, payment whereof shall entitle the subscribing member to one vote at all general meetings of the Chamber; provided that individual ordinary members may pay, as annual subscription, any sum they please up to, but not exceeding, \$200, and each sum of \$20 so paid in excess of the \$10 hereinbefore referred to shall entitle the payer upon a poll to one extra vote at all general meetings of the Chamber.

(e) The rate of annual subscription for other Chambers of Mines shall be \$200, payment whereof shall entitle each individual member of the subscribing Chamber to one vote at all general meetings of the Chamber, but the subscribing Chamber itself shall not in its corporate capacity be entitled to be represented or to vote at any general meeting of the Chamber otherwise than as aforesaid.

(f) On a shew of hands every member present in person shall have one vote.

(g) Every corporation and company which is a member of the Chamber shall through its attorney or general manager furnish in writing to the secretary of the Chamber the name of the person, an ordinary member of the Chamber, who is authorized to represent such corporation or company at meetings of the Chamber, and no person whose name shall not have been so furnished shall vote on behalf of any corporation or company. All names so furnished shall be duly entered in a special book to be kept for that purpose, together with the names of the corporations or companies by or on behalf of which they have been furnished, and the list of names together with the number of votes to which such corporations and companies are entitled shall be open for the inspection of the members of the Chamber.

(h) Each plural voting paper by the nominee of a corporation or company shall be signed by the nominee in that capacity.

10. Any member wishing to resign his membership of the Chamber shall give to the secretary written notice of his intention so to do, and his liability to pay subscriptions shall cease at the end of the year in which such notice is received.

#### GENERAL MEETINGS.

11. The first annual general meeting of the Chamber shall be held within one month after the incorporation of the Chamber at the offices of the Chamber in Ipoh. Subsequent annual general meetings shall be held in the month of March in every year at such place as may be determined by the council.

12. The general meetings referred to in the last preceding by-law shall be called ordinary meetings ; all other meetings of the Chamber shall be called extraordinary meetings.

13. The council may, whenever it thinks fit, and shall on the requisition of not less than eight ordinary members of the Chamber whose subscriptions shall have been paid in full at the date of such requisition, forthwith proceed to convene an extraordinary general meeting of the Chamber, and in the case of such requisition the following provisions shall have effect :

- (a) The requisition must state the objects of the meeting and must be signed by the requisitionists and deposited at the offices of the Chamber and may consist of several documents in like form each signed by one or more requisitionists.
- (b) If the council do not proceed to cause a meeting to be held within one month from the date of the requisition being so deposited, the requisitionists or a majority of them may themselves convene the meeting, but any meeting so convened shall not be held after three months from the date of the deposit.
- (c) Any meeting convened under this by-law by the requisitionists shall be convened in the same manner, as nearly as possible, as that in which meetings are to be convened by the council.

14. Fourteen clear days' notice of every general meeting, specifying the place, day, and hour of meeting and in case of special business the general nature of such business, shall be given to all ordinary members resident in the Federated Malay States by notice sent by post and by means of posting a copy of such notice on the notice board in the offices of the Chamber.

15. The accidental omission to give any such notice to any ordinary member shall not invalidate any resolution passed at any such meeting.

16. The ordinary business of an ordinary meeting shall be

- (a) to receive and consider the accounts and the report of the council and of the auditors.

(b) to elect the following officers for the ensuing twelve months :

(i) Fifteen ordinary members to be members of the council, of whom ten members including not less than two Chinese members shall be elected by the ordinary members resident in the State of Perak, three members including not less than one Chinese member shall be elected by the ordinary members resident in the State of Selangor, one member shall be elected by the ordinary members resident in the State of Negri Sembilan, and one member shall be elected by the ordinary members resident in the State of Pahang. Provided that the council may from time to time delegate to the local mining association in any State the right to elect from the ordinary members of the Chamber all or any of the members of the council required under this by-law to be elected by the ordinary members resident in the State in which such mining association is situate and may from time to time withdraw such delegation.

(ii) A President of the Chamber and a Vice-President of the Chamber who shall be elected from the said fifteen members of the council.

(c) any other business which by virtue of these by-laws ought to be transacted at an ordinary meeting.

All other business transacted at an ordinary meeting and all business transacted at an extraordinary meeting shall be deemed special.

17. The President of the Chamber shall be entitled to take the chair at every general meeting or, if there be no such President or if at any meeting he shall not be present within fifteen minutes after the time appointed for holding such meeting, the Vice-President shall take the chair and, failing him, the members present shall choose some one of their number to act as chairman.

18. Fifteen ordinary members present in person shall, independently of their voting power, form a quorum for any general meeting ; but if within half an hour from the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same time and place, and if at such adjourned meeting a quorum is not present those members who are present, not being less than five, shall be a quorum and may transact the business for which the meeting was called.

19. (a) No ordinary member whose subscription is in arrears shall speak, vote, or be present at any general meeting convened subsequently to the annual general meeting.

(b) No ordinary member shall speak or vote at an annual general meeting unless his subscription has been paid up to the 31st December last preceding such annual general meeting.

20. Every question submitted to a meeting shall, in the first instance, be decided by a shew of hands and in the case of an equality of votes the chairman shall, both on a shew of hands and at the poll, have a casting vote in addition to the vote or votes to which he may be entitled as an ordinary member.

21. Any ordinary member present at a meeting shall be entitled to demand a poll, and if a poll be demanded it shall be taken in such manner and at such time and place as the chairman of the meeting directs and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

#### PROXIES.

22. Votes may be given either personally or by proxy.

23. The instrument appointing a proxy shall be in writing under the hand of the appointer or his attorney or if such appointer is a corporation or company under its common seal or the hand of its attorney or general manager. No person shall be appointed a proxy who is not an ordinary member of the Chamber.

24. The instrument appointing a proxy and the power of attorney, if any, under which it is signed shall be deposited at the offices of the Chamber not less than twenty-four hours before the time for holding the meeting or adjourned meeting, as the case may be, at which the person named in such instrument proposes to vote.

25. Every instrument of proxy whether for a specified meeting or otherwise shall, as nearly as circumstances admit, be in the form or to the effect following :

#### FEDERATED MALAY STATES CHAMBER OF MINES.

I.....of.....an ordinary member of the Federated Malay States Chamber of Mines and entitled to.....votes hereby appoint.....of....., an ordinary member of the said Chamber of Mines, to vote for me and on my behalf at the.....meeting of the said Chamber of Mines to be held on the.....day of....., 19.., and at every adjournment thereof.

As witness my hand this.....day of....., 19...

Signature.....

3 cents  
stamp.

#### ELECTION OF PRESIDENT AND COUNCIL.

26. Persons proposed for election as President of the Chamber or as members of the council shall be nominated by forwarding to the secretary of the Chamber a notice in writing, specifying the names of such persons, signed by one or more ordinary members of the Chamber ; a copy of every such notice shall be posted on the notice board of the Chamber not less than fourteen days previous

to the holding of the annual general meeting, and the election of President, of Vice-President, and of members of the council shall take place at the annual general meeting.

27. (a) The members of the retiring council shall be considered as nominated for election as members of the council, whether their names have been posted on the notice board or not.

(b) The voting for the President, Vice-President, and the members of the council shall be by nominal vote by ballot papers unless a poll be demanded by a member present when the plural vote shall be used. A special book shall be kept wherein all members voting shall sign their names and record the numbers of votes that they are using.

#### ALTERATION OF BY-LAWS.

28. No new by-law shall be passed or existing by-law altered except by a two-thirds majority of the ordinary members present at a general meeting.

#### PROCEEDINGS OF THE COUNCIL.

29. The council shall consist of the President, the Vice-President, and thirteen ordinary members.

30. The council shall meet together for the dispatch of business once a month or oftener if need be and at other times on the requisition of three of its members or the President and may adjourn and regulate its meetings and proceedings as it may think fit and may determine the quorum necessary for the transaction of business. Until otherwise determined five members shall form a quorum. At least five days' notice of council meetings shall be given to members of the council and the notices shall state the nature of the business to be considered at such meetings; provided that in cases of emergency the President, or in his absence the Vice-President, may call a meeting of the council at any time upon such notice (if any) as he may think necessary.

31. Questions arising at any meeting of the council shall be decided by a majority of votes, each member being entitled to one vote, and in case of an equality of votes the Chairman shall have a second or casting vote.

32. The President shall act as chairman of all meetings at which he is present and in his absence the Vice-President shall act as chairman. If at any meeting the President or Vice-President is not present at the time appointed for holding the same, the members present shall choose some one of their number to be chairman of such meeting.

33. The council may delegate any of its powers to committees, on each of which there shall be at least one member of the council. Any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may from time to time be imposed upon it by the council. The decision of a committee shall in all cases be referred to the council, unless the committee has previously been empowered by the council to act on its decisions.

34. The meetings and proceedings of any such committee shall be governed by the provisions of these by-laws for regulating the meetings and proceedings of the council so far as the same can be applied thereto and are not superseded by regulations made by the council under the last preceding by-law.

35. All acts done by any meeting of the council or by a committee or by any person acting as a member of the council or a committee shall, notwithstanding that it shall afterwards be discovered that there was some defect in the appointment of such council or committee or person acting as aforesaid or that any member of such council or committee or such person acting as aforesaid was disqualified, be as valid as if every member of such council or committee or person acting as aforesaid had been duly appointed and was qualified to act.

#### POWERS OF THE COUNCIL.

36. The management of the business of the Chamber shall be vested in the council; provided that in regard to all important questions affecting the mining industry in Malaya the council shall convene an extraordinary general meeting of the Chamber for the purpose of ascertaining the views of the ordinary members of the Chamber with regard thereto.

37. Without prejudice to any general powers otherwise vested in the council it is hereby declared that the council shall have the following powers, that is to say—

- (a) To purchase or otherwise acquire for the Chamber any property, rights, buildings, furniture, or privileges and all other things which the Chamber is authorized to purchase at such price and generally on such terms and conditions as the council may think fit.
- (b) To appoint and at the discretion of the council remove or suspend such secretaries, officers, clerks, agents, and servants for permanent, temporary, or special services as the council may from time to time think fit and to determine their powers and duties, to fix their salaries or emoluments, and to require security in such instances and to such amount as the council may think fit.
- (c) To institute, conduct, defend, compound, or abandon any legal proceedings by or against the Chamber or its officers or otherwise concerning the affairs of the Chamber and also to compound and allow time for payment or satisfaction of any debts due and of any claims or demands by or against the Chamber.
- (d) To employ and pay counsel or solicitors to attend on the hearing in any Court of any proceedings appertaining to the mining industry which, in the opinion of the council, are of interest to the mining community.
- (e) To invest and deal with any of the moneys of the Chamber not immediately required for the purposes thereof in such securities and in such manner as the council may think fit and from time to time to vary or realize such investments.
- (f) To order books, papers, and periodicals for the use of the Chamber.

- (g) To fill up any vacancies in the council, including vacancies in the post of President and Vice-President, which may occur during the year by the appointment of any ordinary member whom the council may think fit. Such appointment shall hold good until the next annual general meeting, at which the appointment shall be submitted for approval or otherwise.
- (h) To publish any of the proceedings of the council or of a general meeting in such form and manner as the council may consider necessary for the information of the members or of the general public.

38. (a) It shall be incumbent on the members of the council to attend all council meetings. Any member absenting himself without leave from three consecutive meetings shall be deemed to have resigned and the vacancy shall be filled in the manner provided by by-law 37 (g).

(b) A member of the council not resident in Perak may with the approval of the council appoint any person to be an alternate member of the council in his place and such appointment shall have effect and such appointee, whilst he holds office as an alternate member, shall be entitled to notice of meetings of the council and to attend and vote thereat accordingly. Any appointment under this by-law shall be effected by notice in writing under the hand of the member making the same and may be revoked in the same manner.

(c) Notwithstanding that a member of the council shall have appointed an alternate member to act in his stead, he shall be entitled to attend and vote at any meeting of the council; but, in the event of his so doing, the alternate member appointed by him shall not also be entitled to attend or vote at the same meeting. During the continuance of the appointment of an alternate member the member who shall have appointed such alternate member shall not be entitled to receive notice of the meetings of the council.

39. The members of the council elected under by-law 16 by ordinary members resident in the State of Selangor, the member of the council elected under the said by-law by ordinary members resident in the State of Negri Sembilan, and the member of the council elected under the said by-law by ordinary members resident in the State of Pahang shall, respectively, be entitled to submit a minority report in any case where the council shall submit a report to the Government of the Federated Malay States.

#### THE SEAL.

40. The council shall provide for the safe custody of the seal of the Chamber and the seal shall never be used except by the authority of the council. The seal shall be affixed in the presence of two members of the council, one of whom shall be the President or Vice-President or some other person expressly authorized by the Chamber to attest the sealing of documents in lieu of the President or Vice-President, and the secretary shall sign every instrument to which the seal is affixed.



## ACCOUNTS.

41. The council shall cause true accounts to be kept of the sums of money received and expended by the Chamber and the matters in respect of which such receipt and expenditure take place and of the assets, credits, and liabilities of the Chamber.

42. The books of account shall be kept at the offices of the Chamber.

43. At the annual general meeting in every year the council shall lay before the Chamber a profit and loss account and a balance sheet containing a summary of the property and liabilities of the Chamber made up to the 31st day of December in the previous year and being from the time when the last preceding account and balance sheet were made up or in the case of the first account and balance sheet from the incorporation of the Chamber.

44. A printed copy of such account and balance sheet shall be sent by post to all ordinary members at least fourteen days previous to the annual general meeting and copies thereof shall be posted on the notice board in the offices of the Chamber for a similar period.

## AUDIT.

45. Once at least in every year the accounts of the Chamber shall be examined and the correctness of the profit and loss account and balance sheet ascertained by one or more auditor or auditors.

46. The council shall appoint a firm of auditors and shall from time to time remove and replace such auditors as occasion may require.

## NOTICE.

47. A notice or other document to be served by the Chamber may be served upon any ordinary member either personally or by sending it through the post in a prepaid envelope or wrapper addressed to such ordinary member at his registered place of address.

48. As regards those ordinary members who have no registered place of address, a notice posted up in the offices of the Chamber shall be deemed to be well served on them at the expiration of twenty-four hours after it is so posted up.

49. Any notice sent by post shall be deemed to have been served on the day following that on which the envelope or wrapper containing the same is posted, and in proving such service it shall be sufficient to prove that the envelope or wrapper containing the notice was properly addressed and put into the post office. And a certificate in writing signed by the secretary stating that the envelope or wrapper containing the notice was so addressed and posted shall be conclusive evidence thereof.

## HONORARY AND VISITING MEMBERS.

50. Only members of the Government service shall be eligible as honorary members, and they may be invited by the council to become honorary members of the Chamber. Honorary members

shall be entitled to all the privileges of ordinary members, except that they shall have no vote ; they shall not be required to pay any subscription.

51. Any person being a new-comer to the Federated Malay States may, if duly proposed and seconded by two ordinary members, be admitted to the privileges of membership for a period not exceeding one month.

52. The proposer and seconder of a visiting member shall enter his name and their own names in a book to be kept for that purpose and shall be liable for any infraction of the rules of the Chamber which such visiting member may commit.

53. A person who has been admitted as a visiting member for an aggregate number of thirty days in one year shall thereupon become eligible for election as an ordinary member and shall not be allowed to continue to use the Chamber unless he apply to be elected as such.

54. No person who has tried and failed to secure election as an ordinary member, or who has ceased to be a member of the Chamber under by-law 10, 59, or 60, shall be eligible to become a visiting member.

55. A visiting member shall not be liable for subscriptions and shall not be entitled to vote at general meetings of the Chamber.

#### ARBITRATIONS.

56. The council shall have power from time to time as occasion may require to appoint three or more members of the Chamber, any of whom may be either ordinary members of the Chamber or members of the council, to act as arbitrators in such disputes as may be submitted to the Chamber for settlement. No arbitration on disputes so submitted shall proceed until the parties in dispute shall have entered into a bond binding themselves to abide by the award of the arbitrators or a majority of them unless the same be set aside by a competent Court, nor until the fees payable on such arbitration shall have been paid to the secretary.

57. On arbitrations the fees payable by the parties in dispute shall be at the following rates :

- |   |     |
|---|-----|
| (a) Where the subject-matter of the dispute involves a      | \$  |
| sum not exceeding \$5,000, to each arbitrator ..            | 30  |
| exceeding \$5,000 and not exceeding \$10,000, to            |     |
| each arbitrator .. .. .                                     | 60  |
| exceeding \$10,000 and not exceeding \$20,000, to           |     |
| each arbitrator .. .. .                                     | 100 |
| exceeding \$20,000 and not exceeding \$50,000, to           |     |
| each arbitrator .. .. .                                     | 150 |
| exceeding \$50,000, to each arbitrator such sum as          |     |
| the council may think fit.                                  |     |
| (b) Where none of the parties in dispute are members of the |     |
| Chamber the fees payable shall include a further sum        |     |
| equal to fifty per cent. of the total sum payable to the    |     |
| arbitrators, which further sum shall be paid into the funds |     |
| of the Chamber.   |     |

- (c) Where one party in dispute is a member of the Chamber and any other party in dispute is not a member of the Chamber the fees payable shall include a further sum equal to twenty-five per cent. of the total sum payable to the arbitrators, which further sum shall in all cases be payable by the party who is not a member of the Chamber, whatever may be the result of the arbitration, and shall be paid into the funds of the Chamber.
- (d) Subject to clause (c) of this by-law the arbitrators shall be at liberty to make such award as they may think fit with regard to the payment of the fees prescribed by this by-law.

58. A copy of all arbitration awards shall be filed with the secretary.

#### CONDUCT OF MEMBERS.

59. If any ordinary member be guilty of a breach of any of the by-laws of the Chamber, the council shall be at liberty to inflict on such member such a fine as the council may think proportionate to the injury caused to the Chamber ; provided that no such fine shall exceed \$500.

60. If the conduct of any ordinary member shall, in the opinion of a two-thirds majority of the council present and voting at any meeting, be such as to be liable to cause injury to the interests of the Chamber, the council shall forthwith request such member to resign.

61. If any member fail within fourteen days to pay any fine inflicted on him under by-law 59 or continue to infringe the by-laws or any of them after such fine has been inflicted upon him or fail to resign within fourteen days after being requested so to do under by-law 60, then and in any of such cases the council shall forthwith call an extraordinary general meeting of the Chamber to consider the conduct of such ordinary member and at such meeting it shall be competent for the Chamber by a two-thirds majority of those present and voting at such meeting to expel such member from the Chamber, and no appeal shall lie from such decision to any other meeting or to any Court of law. Every member so expelled shall forfeit his subscription and all interest in the property of the Chamber, and no member so expelled shall be eligible for re-election to the Chamber. Such expulsion shall not prejudice any right of the Chamber to recover from such ordinary member the amount of any fine inflicted on him or any other sum due from him to the Chamber.

62. Any member who shall fail to pay the amount of his outstanding account within one month after receiving under registered cover a notice in writing signed by the secretary to pay the same within one month after receipt of such notice shall cease to be a member of the Chamber, and the secretary shall upon such cessation inform him accordingly and shall take such steps for recovery of the said amount as the council may direct. Provided that, on a satisfactory explanation being given by a person who has under the provisions of this by-law ceased to be a member, the council may restore to him the status and privileges which he may have forfeited under this by-law.

## ENACTMENT NO. 26 OF 1914.

As amended by Fed. E. 3 of 1920.

An Enactment to provide for the surrender to Foreign Countries of persons accused or convicted of the commission of certain offences within the jurisdiction of such Countries.

ARTHUR YOUNG, [10th December, 1914.  
*President of the Federal Council.* 16th December, 1914.]

Short title,  
commencement,  
and repeal.

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as “The Extradition Enactment, 1914,” and shall come into force upon the publication thereof in the *Gazette*.

(ii) Upon the coming into force of this Enactment the Enactment specified in the first schedule shall be repealed.

Interpretation.

2. In this Enactment, unless the context otherwise requires—

“Chief Secretary” means the Chief Secretary to Government, Federated Malay States ;

“Conviction” and “Convicted” do not include or refer to a conviction which under foreign law is a conviction for contumacy, but “Accused person” includes a person so convicted for contumacy ;

E. 3 of 1910.

“Diplomatic Representative of a foreign country” includes any person recognized *by the High Commissioner or by the Chief Secretary or by the Resident of any State as a Consul-General, Consul, or Vice-Consul, or as the Officer administering the Government of any possession, dependency, or protectorate, of that country ;*

“Extradition crime” means a crime which would be punishable by the law of the Federated Malay States or of any of them if committed in the Federated Malay States and which would be one of the crimes described in the second schedule ;

“Fugitive criminal” means any person accused or convicted of an extradition crime, committed within the jurisdiction of any foreign country, who is in or suspected of being in or on the way to the Federated Malay States, and “Fugitive criminal of a foreign country” means a fugitive criminal accused or convicted of an extradition crime committed within the jurisdiction of that country ;

“Magistrate” means a Magistrate of the First Class ;

“Oath” includes affirmation ;

“Warrant,” in the case of any foreign country, includes any judicial document authorizing the arrest of a person accused or convicted of crime.

3. (i) The extradition crimes included from time to time in the second schedule shall, except where otherwise specially provided, be construed according to the law in force in the Federated Malay States at the date of the alleged crime. Construction of second schedule.

(ii) The Chief Secretary may from time to time, by notification published in the *Gazette*, declare that any crime specified in such notification and not included in the second schedule shall form part thereof, and from and after the date of the publication of such notification the crime specified therein shall come within the operation of this Enactment as if the same had been originally included in the said schedule; and the Chief Secretary may from time to time, by notification published in the *Gazette*, declare that any crime specified in the said schedule or which may have been added to the said schedule as hereinbefore provided shall no longer form part thereof, and from and after the date of the publication of such notification such crime shall cease to come within the operation of this Enactment. Variation of second schedule.

4. (i) Where an arrangement has been made between His Britannic Majesty and the Ruler of a foreign country for the mutual surrender of persons accused or convicted of crime and the operation of such arrangement has been, with the consent of the Rulers of the Federated Malay States, extended so as to apply, so far as local circumstances permit, to the mutual surrender of persons accused or convicted of crime between such foreign country and the Federated Malay States, the Chief Secretary may, by Order published in the *Gazette*, direct that this Enactment shall apply in the case of that country during the continuance of the arrangement and of the application thereof to the Federated Malay States, and after such Order has been so published and for so long as the same remains unrevoked this Enactment shall, subject to the terms of the arrangement and of the application thereof to the Federated Malay States, apply accordingly. No such Order shall remain in force for any longer period than the arrangement or the application thereof to the Federated Malay States, and the Chief Secretary may, by the same or any subsequent Order, limit the application of this Enactment or render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient and may at any time by notification published in the *Gazette* revoke any order published under this section. Where arrangement for surrender of criminals made and applied to the Federated Malay States, Enactment may be applied by Order.

(ii) The publication in the *Gazette* of such Order as is in subsection (i) referred to shall be conclusive evidence in all Courts of Justice that an arrangement exists between His Britannic Majesty and the Ruler of the foreign country specified in the Order for the mutual surrender of persons accused or convicted of crime and that the operation of such arrangement has been, with the consent of the Rulers of the Federated Malay States, extended so as to apply, so far as local circumstances permit, to the mutual surrender of persons accused or convicted of crime between such foreign country

and the Federated Malay States; and a notification in the *Gazette* of the terms of any such arrangement as aforesaid between His Britannic Majesty and the Ruler of a foreign country, and of the terms of the application of any such arrangement to the Federated Malay States, and of the termination of any such arrangement or application, shall be conclusive evidence in all Courts of Justice of the facts in such notification appearing.

Restrictions on  
surrender of  
criminals.

5. The following restrictions shall be observed with respect to the surrender of fugitive criminals :

- (1) A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character or if he prove to the satisfaction of the Magistrate, or of the Supreme Court when brought before it on an application to be set at liberty, or to the Resident of the State wherein the warrant for his arrest was issued that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character ;
- (2) A fugitive criminal shall not be surrendered to a foreign country unless provision is made by the law of that country, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to the Federated Malay States, be detained or tried in that foreign country for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded ;
- (3) A fugitive criminal who has been accused of some offence within the Federated Malay States not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in the Federated Malay States, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise ;
- (4) A fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

Liability of  
criminal to  
surrender.

6. Where this Enactment applies in the case of any foreign country, every fugitive criminal of that country who is in or suspected of being in the Federated Malay States shall be liable to be apprehended and surrendered in manner provided by this Enactment, whether the crime in respect of which the surrender is sought was committed before or after the commencement of this Enactment, and whether there is or is not any concurrent jurisdiction in any Court in the Federated Malay States over that crime.

Order of Resi-  
dent for issue of  
warrant if crime  
is not of a  
political  
character.

7. A requisition for the surrender of a fugitive criminal of any foreign country who is in or suspected of being in any of the Federated Malay States shall be made to the Resident of such State by a Diplomatic Representative of that foreign country ; provided that, if requisition for the surrender of such fugitive criminal be made to the *High Commissioner* or the *Chief Secretary* by a Diplomatic Repre-

sentative of that foreign country, *the High Commissioner or the Chief Secretary, as the case may be*, may, if he think fit, endorse such requisition for action by the Resident of any of the Federated Malay States and forward the same to such Resident, who shall on receipt thereof deal therewith as though it were a requisition addressed to him. Such Resident may, by order under his hand and seal, signify to a Magistrate that such requisition has been made and require him to issue his warrant for the apprehension of the fugitive criminal.

If such Resident is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order and may also at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

8. (i) A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in or on the way to the Federated Malay States may be issued in any State

Issue of  
warrant by  
Magistrate.

(1) by a Magistrate on receipt of the said order of the Resident of such State and on such evidence as would, in his opinion, justify the issue of the warrant if the crime had been committed or the criminal convicted in such State; and

(2) by a Magistrate on such information or complaint and such evidence or after such proceedings as would, in the opinion of the Magistrate, justify the issue of a warrant if the crime had been committed or the criminal convicted in the State.

(ii) A Magistrate in any State issuing a warrant under this section without an order from the Resident of such State shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof, to the Resident, who may, if he think fit, order the warrant to be cancelled and the person who has been apprehended on the warrant to be discharged.

(iii) A fugitive criminal apprehended on a warrant issued in any State without the order of the Resident of such State shall be discharged by the Magistrate, unless the Magistrate, within such reasonable time as with reference to the circumstances of the case he may fix, receives from such Resident an order signifying that a requisition has been made for the surrender of such criminal.

9. (i) When a fugitive criminal is brought before the Magistrate, the Magistrate shall hear the case in the same manner and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before him accused of an offence committed within his jurisdiction and triable by the Supreme Court.

Hearing of case  
and evidence of  
political character  
of crime.

(ii) The Magistrate shall receive any evidence which may be tendered to shew that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character or is not an extradition crime.

10. (i) In the case of a fugitive criminal accused of an extradition crime, if the foreign warrant authorizing the arrest of such criminal is duly authenticated and such evidence is produced as (subject to the provisions of this Enactment) would, according to the law in

Committal or  
discharge of  
prisoner.

force in the Federated Malay States, justify the committal for trial of the prisoner if the crime of which he is accused had been committed in the Federated Malay States, the Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

(ii) In the case of a fugitive criminal alleged to have been convicted of an extradition crime, if such evidence is produced as (subject to the provisions of this Enactment) would, according to the law in force in the Federated Malay States, prove that the prisoner was convicted of such crime, the Magistrate shall commit him to prison, but otherwise shall order him to be discharged.

(iii) If he commits such criminal to prison, he shall commit him to a prison or other place of safe custody in the State in which the case was heard, there to await the warrant of the Resident of such State for his surrender, and shall forthwith send to such Resident a certificate of the committal and such report upon the case as he may think fit.

Surrender of  
fugitive to  
foreign country  
by warrant of  
Resident.

11. (i) If the Magistrate commits a fugitive criminal to prison, he shall inform such criminal that he will not be surrendered until after the expiration of such period, not being less than fifteen days, as the Resident of the State may determine and that he has a right to apply to the Supreme Court to direct that he be set at liberty.

(ii) Upon the expiration of the said period or, if an application that such fugitive criminal be set at liberty has been made to the Supreme Court, upon the final determination of such application by the said Court or after such further period as may be allowed in either case by the said Resident, it shall be lawful for the said Resident, by warrant under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the Supreme Court) to be surrendered to such person as may in his opinion be duly authorized to receive the fugitive criminal by the foreign country from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

(iii) It shall be lawful for any person to whom such warrant is directed and for the person so authorized as aforesaid to receive, hold in custody and convey within the jurisdiction of such foreign country the criminal mentioned in the warrant; and if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of the Federated Malay States may be retaken upon an escape.

Discharge of  
persons apprehended if not  
conveyed out  
of the Federated  
Malay States  
within two  
months.

12. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the Federated Malay States within two months after such committal or, if an application that he be set at liberty be made to the Supreme Court, after the final determination of such application by the said Court, it shall be lawful for the Resident of the State wherein the criminal is in custody, upon application made to him by or on behalf of the criminal, to order the criminal to be discharged out of custody, unless sufficient cause is shewn to the contrary.



**13.** The warrant of the Magistrate issued in pursuance of this Enactment may be executed in any part of the Federated Malay States in the same manner as if the same had been originally issued in the place where the same is executed.

Execution of  
warrant of  
Magistrate.

**14.** Depositions or statements on oath, taken in a foreign country, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of a conviction, may, if duly authenticated, be received in evidence in proceedings under this Enactment.

Depositions to  
be evidence.

**15.** Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purposes of this Enactment if authenticated in manner provided for the time being by law or authenticated as follows :

Authentication  
of depositions  
and warrants.

- (1) If the warrant purports to be signed by a Judge, Magistrate, or officer of the foreign country where the same was issued ;
- (2) If the depositions or statements or the copies thereof purport to be certified under the hand of a Judge, Magistrate, or officer of the foreign country where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require ; and
- (3) If the certificate of or judicial document stating the fact of conviction purports to be certified by a Judge, Magistrate, or officer of the foreign country where the conviction took place ; and

if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness or by being sealed with the official seal of the Minister of Justice or some other Minister of State. And all Courts in the Federated Malay States shall take judicial notice of such official seal and shall admit the documents so authenticated by it to be received in evidence without further proof.

#### CRIMES COMMITTED AT SEA.

**16.** Where the crime in respect of which the surrender of a fugitive criminal is sought was committed on board any vessel on the high seas which comes into any port of the Federated Malay States, the following provisions shall have effect :

Jurisdiction as  
to crimes com-  
mitted at sea.

- (1) The criminal may be committed to any prison or other place of detention to which the person committing him has power to commit persons accused of the like crime ;
- (2) If the fugitive criminal is apprehended on a warrant issued in any State without the order of the Resident of such State, he shall be brought before the Magistrate who issued the warrant or who has jurisdiction in the port where the vessel lies or in the place nearest to that port.

## GENERAL PROVISIONS.

Criminal  
surrendered by  
foreign  
country  
not triable for  
previous crime.

17. Where, in pursuance of any arrangement between His Britannic Majesty and the Ruler of a foreign country for the mutual surrender of persons accused or convicted of crime the operation whereof has been extended to the Federated Malay States as in Section 4 provided, any person accused or convicted of committing in the Federated Malay States any of the crimes described in the second schedule is surrendered by that foreign country, such person shall not, until he has been restored or had an opportunity of returning to such foreign country, be triable or tried for any offence committed prior to the surrender in the Federated Malay States other than such of the said crimes as may be proved by the facts on which the surrender is grounded, nor shall such person until after such restoration or opportunity as aforesaid be returned under the provisions of "The Fugitive Offenders Enactment, 1912," from the Federated Malay States to any place to which he might but for this provision be liable to be returned under the said Enactment.

Property may  
be delivered up.

18. Everything found in the possession of a fugitive criminal at the time of his apprehension which may be material as evidence in making proof of the extradition crime in respect of which he is surrendered may, on the order of a Magistrate, be delivered up with the fugitive criminal on his surrender, subject to all rights of third persons in respect thereto.

As to use of  
forms in third  
schedule.

19. The forms set forth in the third schedule, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer and when used shall be deemed to be valid and sufficient in law.

Power of  
taking evidence  
in the Federated  
Malay States  
for foreign  
criminal  
matters.

20. (i) In any State the Resident may, by order under his hand and seal, require a Magistrate to take evidence for the purposes of any criminal matter pending in any Court or Tribunal in any foreign country, and the Magistrate, upon the receipt of such order, shall take the evidence of every witness appearing before him for the purpose in like manner as if such witness appeared on a preliminary enquiry into the case of a person accused of an offence triable by the Supreme Court and shall certify at the foot of the depositions so taken that such evidence was taken before him and shall transmit the same to the Resident; such evidence may be taken in the presence or absence of the accused person, if any, and the fact of such presence or absence shall be stated in such depositions.

(ii) Any person may, after payment or tender to him of a reasonable sum for his costs and expenses in this behalf, be compelled for the purposes of this section to attend and give evidence and answer questions and produce documents in like manner and subject to the like conditions as he may for the purposes of a preliminary enquiry into the case of a person accused of an offence triable by the Supreme Court, and every such person shall in respect of all evidence and answers given by him be legally bound to state the truth.

(iii) Nothing in this section shall apply in the case of any criminal matter of a political character.

21. For the purposes of this Enactment every constituent part of a foreign country and every colony, dependency, or protectorate of, and every vessel of, that country shall be deemed to be within the jurisdiction of and to be part of such foreign country.

Foreign  
country  
includes  
dependencies.

## FIRST SCHEDULE.

## ENACTMENT REPEALED.

No. and year.	Short title.
21 of 1912.	The Extradition Enactment, 1912.

## SECOND SCHEDULE.

## LIST OF CRIMES.

Murder and attempt to murder ;  
 Culpable homicide not amounting to murder ;  
 Counterfeiting and altering money and uttering counterfeit or altered money ;  
 Forgery, counterfeiting, and altering, and uttering what is forged or counterfeited or altered ;  
 Criminal breach of trust and theft ;  
 Cheating and thereby dishonestly inducing delivery of property ;  
 Offences punishable under the laws relating to bankruptcy with imprisonment for a term which may extend to one year or over ;  
 Criminal misappropriation ;  
 Rape ;  
 Abduction ;  
 Kidnapping ;  
 Housebreaking ;  
 Mischief by fire ;  
 Robbery ;  
 Extortion or attempt to commit extortion ;  
 Piracy by law of nations ;  
 Sinking or destroying a vessel at sea, or attempting or conspiring to do so ;  
 Assault on board a ship on the high seas with intent to destroy life or to cause grievous hurt ;  
 Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master ;

Buying or disposing of any person as a slave or habitually dealing in slaves;

Wrongful confinement;

Giving, fabricating, or using false evidence;

Dishonestly receiving stolen property;

Any offence not before mentioned which is punishable under the following provisions of law or any of them or under any law amending or substituted for the same:

The Penal Code—

Sections 161 to 165, inclusive (bribery);

Sections 231 to 254, inclusive (coin);

Sections 312 to 318, inclusive, 323 to 333, inclusive, 335, 353 to 357, inclusive, 372, 373, 373A, and 377 (offences affecting the human body);

Sections 427 to 440, inclusive (mischief);

Section 477 (fraudulent cancellation, etc., of document);

Section 494 (bigamy);

The Women and Girls Protection Enactment, 1914, Section 3;

Any malicious act done with intent to endanger the safety of any person in a railway train;

Any other offence added from time to time to this schedule in manner provided by Section 3;

Abetment of any offence included for the time being in this schedule, and the commission in respect thereof of any offence described in Sections 212, 213, 216, or 511 of the Penal Code.

### THIRD SCHEDULE.

#### FORM OF ORDER OF RESIDENT TO THE MAGISTRATE.

To....., a Magistrate of the First Class.

Whereas, in pursuance of an arrangement between His Britannic Majesty and....., the operation whereof has been extended to the Federated Malay States as referred to in an Order of the Chief Secretary published in the *Gazette* on the.....day of....., 19..., a requisition has been made to me,....., the Resident of....., by..... the Diplomatic Representative of....., for the surrender of..... late of....., accused [or convicted] of the commission of the crime of.....within the jurisdiction of.....:

Now I hereby, by this my order under my hand and seal, signify to you that such requisition has been made and require you to issue your warrant for the apprehension of such fugitive, provided that the conditions of "The Extradition Enactment, 1914," relating to the issue of such warrant are, in your judgment, complied with.

Given under the hand and seal of the undersigned, Resident of..... this.....day of....., 19..

### FORM OF WARRANT OF APPREHENSION BY ORDER OF RESIDENT.

To the Chief Police Officer.....and all other Police Officers of the Federated Malay States.

Whereas the Resident of....., by order under his hand and seal, has signified to me that requisition has been duly made to him for the surrender of....., late of....., accused [or convicted] of the commission of the crime of.....within the jurisdiction of.....:

This is therefore to command you forthwith to apprehend the said.....pursuant to "The Extradition Enactment, 1914," wherever he may be found in the Federated Malay States, and to bring him before me or some other Magistrate of the First Class in this State, to shew cause why he should not be surrendered in pursuance of the said Enactment, for which this shall be your warrant.

Given under my hand and seal at....., this.....day.....of....., 19..

.....

*Magistrate of the First Class.*

### FORM OF WARRANT OF APPREHENSION WITHOUT ORDER OF RESIDENT.

To the Chief Police Officer.....and all other Police Officers of the Federated Malay States.

Whereas it has been shewn to the undersigned, a Magistrate of the First Class, that....., late of....., is accused [or convicted] of the commission of the crime of..... within the jurisdiction of.....:

This is therefore to command you forthwith to apprehend the said.....pursuant to "The Extradition Enactment, 1914," wherever he may be found in the Federated Malay States, and to bring him before me or some other Magistrate of the First Class in this State, to be further dealt with according to law, for which this shall be your warrant.

Given under my hand and seal at....., this.....day of....., 19..

.....

*Magistrate of the First Class.*

### FORM OF WARRANT OF COMMITTAL.

To....., Police Officer, and to the Officer in charge of the Prison at.....

Whereas on this.....day of....., 19.., ....., late of....., is brought before me, a Magistrate of the First Class, to shew cause why he should not be surrendered in pursuance of "The Extradi-

tion Enactment, 1914," on the ground of his being accused [or convicted] of the commission of the crime of.....within the jurisdiction of.....: And whereas no sufficient cause has been shewn to me why he should not be surrendered in pursuance of the said Enactment:

This is therefore to command you, the said Police Officer, forthwith to convey and deliver the said.....into the custody of the Officer in charge of the Prison at.....and you, the said Officer in charge of the Prison, to receive the said.....into your custody and him there safely to keep until he is thence delivered pursuant to the provisions of the said Enactment, for which this shall be your warrant.

Given under my hand and seal at..... this.....day of ....., 19..

.....  
*Magistrate of the First Class.*

#### FORM OF WARRANT OF RESIDENT FOR SURRENDER OF FUGITIVE.

To the Officer in charge of the Prison at.....and to.....

Whereas....., late of....., accused [or convicted] of the commission of the crime of.....within the jurisdiction of....., was delivered into the custody of you, the Officer in charge of the Prison at....., by warrant dated.....pursuant to "The Extradition Enactment, 1914."

Now I do hereby, in pursuance of the said Enactment, order you, the said Officer in charge of the Prison, to deliver the said.....into the custody of the said....., and I command you, the said....., to receive the said.....into your custody and to convey him.....and there place him in the custody of any person or persons appointed by the authorities of.....to receive him, for which this shall be your warrant.

Given under the hand and seal of the undersigned, Resident of ....., this.....day of....., 19..

## ENACTMENT NO. 1 OF 1915.

An Enactment to consolidate and amend the Law relating  
to the Marriages of Persons professing the Christian  
Religion.

ARTHUR YOUNG,  
*President of the Federal Council.*

[1st June, 1915.  
1st July, 1915.]

It is hereby enacted by the Rulers of the Federated Malay States  
in Council as follows :—

1. (i) This Enactment may be cited as “The Christian Marriage  
Enactment, 1915,” and shall come into force upon the first day of  
July, 1915. Short title and  
commence-  
ment.

(ii) The Enactments specified in the First Schedule are hereby Repeal.  
repealed; provided that all notifications published in the *Gazette*  
under any Enactment hereby repealed of the appointment of any  
minister of the Presbyterian Church of England, all licenses granted  
under any such Enactment and still in force immediately prior to  
the commencement of this Enactment to ministers of religion to  
solemnize marriages, all appointments made under any such  
Enactment of Marriage Registrars or Senior Marriage Registrars  
and all fees fixed under any such Enactment shall be deemed to  
have been published, granted, made, and fixed under this Enact-  
ment.

(iii) Any license issued by the Titular Anglican Bishop of  
Singapore or his commissary or surrogate prior to the commence-  
ment of this Enactment in pursuance whereof a marriage has been  
solemnized under any Enactment hereby repealed shall be deemed  
to have had and shall have the same force and effect as the same  
would have had if it had been issued by the Titular Anglican Bishop  
of Singapore, Labuan, and Sarawak or his commissary or surrogate.

2. In this Enactment, unless there is something repugnant in Interpretation.  
the subject or context :

“Chief Secretary” means the Chief Secretary to Government, Chief Secretary.  
Federated Malay States ;

“Church of England” and “Anglican” mean and apply to the “Church of  
England.”  
“Anglican.”  
Church of England as by law established ;

“Church of Scotland” means the Church of Scotland as by law “Church of  
Scotland.”  
established ;

“Church of Rome” and “Roman Catholic” mean and apply “Church of  
Rome.”  
“Roman  
Catholic.”  
to the Church which regards the Pope of Rome as its spiritual  
head ;

“ Church.”

“ Church ” includes any chapel or other building generally used for public Christian worship ;

“ Minor.”

“ Minor ” means a person who has not completed the age of twenty-one years and who is not a widower or widow ;

“ Native.”

“ Native ” means a native of Asia not of European descent ;

“ Christians.”

The expression “ Christians ” means persons professing the Christian religion.

Existing records to be forwarded to Chief Secretary.

3. All returns of entries in a register of marriages, all certificates of solemnization of marriage, and all marriage register books which are at the commencement of this Enactment in the custody of the Secretary to the Resident or of the Resident in any State, as the case may be, under the provisions of any Enactment hereby repealed, shall be forwarded to the Chief Secretary and be kept by him with the records of his office.

## PART I.

### THE PERSONS BY WHOM MARRIAGES MAY BE SOLEMNIZED.

Marriages to be solemnized according to this Enactment.

4. Every marriage between persons one or both of whom is or are a Christian or Christians shall be solemnized in accordance with the provisions of the next following section, and any such marriage solemnized otherwise than in accordance with such provisions shall be void.

Persons by whom marriages may be solemnized.

5. Marriages may be solemnized

- (a) by any person who has received episcopal ordination : provided that the marriage be solemnized according to the rules, rites, ceremonies, and customs of the Church of which he is a minister ;
- (b) by any clergyman of the Church of Scotland : provided that such marriage be solemnized according to the rules, rites, ceremonies, and customs of the Church of Scotland ;
- (c) by any minister of the Presbyterian Church of England whose appointment as such minister has been notified in the *Gazette* ;
- (d) by any minister of religion licensed under this Enactment to solemnize marriages ;
- (e) by or in the presence of a Marriage Registrar appointed under this Enactment.

Grant and revocation of licenses to solemnize marriages.

6. The Resident of any State may grant licenses to ministers of religion to solemnize marriages within such State and may revoke such licenses.

Marriage Registrars. Senior Marriage Registrar.

7. The Resident of any State may appoint one or more Christians, either by name or as holding any office for the time being, to be the Marriage Registrar or Marriage Registrars for such State or for any place therein and may revoke any such appointment.

When there are more Marriage Registrars than one in any State, the Resident of such State shall appoint one of them to be the Senior Marriage Registrar.



When there is only one Marriage Registrar in any State and such Registrar is absent from such State or ill, or when his office is temporarily vacant, the Registrar of Titles appointed under "The Registration of Titles Enactment, 1911," shall act as and be Marriage Registrar during such absence, illness, or temporary vacancy.

When Registrar of Titles to be Marriage Registrar.

## PART II.

### CONSENTS.

8. The father, if living, of any minor or, if the father be dead, the guardian of the person of such minor, and in case there be no such guardian then the mother of such minor, may give consent to the minor's marriage, and such consent is hereby required for the same marriage unless no person authorized to give such consent be resident in the Colony of the Straits Settlements or in any State in the Malay Peninsula under British Protection.

Consent of father or guardian or mother.

9. If any person whose consent is necessary to any marriage is of unsound mind or if any person (other than the father) without just cause withholds his consent to the marriage, the parties intending marriage may apply by petition to the Supreme Court and such Court may examine the allegations of the petition in a summary way; and if upon examination such marriage appears proper, such Court shall declare the marriage to be a proper marriage.

Petition where a person whose consent is necessary is insane or unjustly withholds consent. Procedure on petition.

Such declaration shall be as effectual as if the person whose consent was needed had consented to the marriage, and if he has forbidden the issue of the Marriage Registrar's certificate such certificate shall be issued and the like proceedings may be had in relation to the marriage as if the issue of such certificate had not been forbidden.

## PART III.

### TIME AND PLACE AT WHICH MARRIAGES MAY BE SOLEMNIZED.

10. Every marriage under this Enactment shall be solemnized between the hours of six in the morning and seven in the evening :

Time for solemnizing marriage.

Provided that nothing in this section shall apply to

Exceptions.

(a) a clergyman of the Church of England solemnizing a marriage under a special license permitting him to do so between certain hours other than between six in the morning and seven in the evening under the hand and seal of the Titular Anglican Bishop of Singapore or his commissary or surrogate ; or

(b) a clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning when he has received a general or special license in that behalf from his episcopal superior or from such person as such superior has authorized to grant such license :

- (c) a marriage solemnized by a minister of religion licensed under this Enactment or by a minister of the Presbyterian Church of England under a special license in the prescribed form from the Resident of the State in which the marriage is solemnized authorizing the same ;
- (d) a marriage solemnized in the presence of a Marriage Registrar under a license in the prescribed form from the Resident of the State in which the marriage is solemnized authorizing the same.

Place for  
solemnizing  
marriage.

11. No clergyman of the Church of England shall solemnize a marriage in any place other than a church unless there is no church belonging to the Church of England within five miles distance by the shortest road from such place, or unless he has received a special license authorizing him to do so under the hand and seal of the said Titular Anglican Bishop or his commissary.

#### PART IV.

### MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THIS ENACTMENT OR BY MINIS- TERS OF THE PRESBYTERIAN CHURCH OF ENGLAND.

Notice of  
intended  
marriage.

12. Whenever a marriage is intended to be solemnized by a minister of religion, which expression shall throughout this Part mean and include a minister of the Presbyterian Church of England as well as a minister of religion licensed to solemnize marriages under this Enactment, one of the persons intending marriage shall give notice in writing according to the form contained in the Second Schedule or to the like effect to the minister of religion whom he or she desires to solemnize the marriage, and shall state therein

- (a) the name and surname and the profession or condition of each of the persons intending marriage and whether each is of full age or a minor ;
- (b) the dwelling-place of each of them ;
- (c) the time during which each has dwelt there ; and
- (d) the church or place other than a church in which the marriage is to be solemnized ;

Provided that if either of such persons has dwelt in the place mentioned in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

Publication of  
notice.

13. If the persons intending marriage desire it to be solemnized in a particular church and if the minister of religion to whom such notice has been delivered be entitled to officiate therein, he shall cause the notice to be affixed in some conspicuous part of such church.

Return or  
transfer of  
notice.

But if he is not entitled to officiate as a minister in such church, he shall, at his option, either return the notice to the person who delivered it to him or deliver it to some other minister entitled to officiate therein, who shall thereupon cause the notice to be affixed as aforesaid.

14. If it be intended that the marriage shall be solemnized in a place other than a church, the minister of religion on receiving the notice prescribed in Section 12 shall forward it to the Marriage Registrar for the district or State in which such place is situate, who shall affix the same to some conspicuous place in his own office.

Notice of intended marriage in place other than a church.

15. When one of the persons intending marriage is a minor, every minister receiving such notice shall, unless within twenty-four hours after its receipt he returns the same under the provisions of Section 13, send by the post or otherwise a copy of such notice to the Marriage Registrar for the district or State in which the marriage is intended to be solemnized or, if there be no Registrar for such district and more than one Registrar for such State, to the Senior Marriage Registrar.

Copy of notice to be sent to Marriage Registrar when one party is a minor.

16. The Marriage Registrar or Senior Marriage Registrar, as the case may be, on receiving any such notice shall affix it to some conspicuous place in his own office, and the latter shall further cause a copy of the said notice to be sent to each of the other Marriage Registrars in the same State, if any, who shall likewise publish the same in the manner above directed.

Procedure on receipt of notice.

17. Any minister of religion consenting or intending to solemnize any such marriage as aforesaid shall, on being required so to do by or on behalf of the person by whom the notice was given and upon one of the persons intending marriage making the declaration hereinafter required, issue under his hand a certificate of such notice having been given and of such declaration having been made.

Issue of certificate of notice given and declaration made.

Provided

Proviso.

- (a) that no such certificate shall be issued until the expiration of four days after the date of the receipt of the notice by the minister ;
- (b) that no lawful impediment be shewn to his satisfaction why such certificate should not issue ; and
- (c) that the issue of such certificate has not been forbidden in manner hereinafter mentioned by any person authorized in that behalf.

18. The certificate mentioned in Section 17 shall not be issued until one of the persons intending marriage has appeared personally before the minister and made a solemn declaration

Declaration before issue of certificate.

- (a) that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage,

and, when either or both of the parties is or are a minor or minors,

- (b) that the consent or consents required by law has or have been obtained thereto or that there is no person resident in the Colony of the Straits Settlements or in any State in the Malay Peninsula under British Protection having authority to give such consent, as the case may be.

Power to  
prohibit by  
notice issue of  
certificate.

19. Every person whose consent to a marriage is required under Section 8 is hereby authorized to prohibit the issue of the certificate by any minister at any time before the issue of the same by notice in writing to such minister, subscribed by the person so authorized with his or her name and place of abode and position with respect to either of the persons intending marriage by reason of which he or she is so authorized as aforesaid.

Procedure on  
receipt of  
notice.

20. If any such notice be received by such minister, he shall not issue his certificate and shall not solemnize the said marriage until he has examined into the matter of the said prohibition and is satisfied that the person prohibiting the marriage has no lawful authority for such prohibition or until the said notice is withdrawn by the person who gave it.

Issue of certifi-  
cate in case of  
minority.

21. When either of the persons intending marriage is a minor and the minister is not satisfied that the consent of the person whose consent to such marriage is required by Section 8 has been obtained, such minister shall not issue such certificate until the expiration of fourteen days after the receipt by him of the notice of marriage.

Issue of  
certificates to  
native  
Christians.

22. When any native Christian about to be married takes a notice of marriage to a minister of religion or applies for a certificate from such minister under Section 17, such minister shall, before issuing the certificate, ascertain whether such native Christian is cognizant of the purport and effect of the said notice or certificate, as the case may be, and if not shall translate or cause to be translated the notice or certificate to such native Christian into some language which he understands.

Form of  
certificate.

23. The certificate to be issued by such minister shall be in the form contained in the Third Schedule or to the like effect.

Solemnization  
of marriage.

24. After the issue of the certificate by the minister marriage may be solemnized between the persons therein described according to such form or ceremony as the minister thinks fit to adopt: provided that the marriage be solemnized in the presence of at least two witnesses besides the minister.

Certificate void  
if marriage not  
solemnized  
within two  
months.

25. Whenever a marriage is not solemnized within two months after the date of the certificate issued by such minister as aforesaid, such certificate and all proceedings, if any, thereon shall be void; and no person shall proceed to solemnize the said marriage until new notice has been given and a certificate thereof issued in manner aforesaid.

## PART V.

### REGISTRATION OF MARRIAGES SOLEMNIZED BY MINISTER OF RELIGION.

Marriages when  
to be registered.

26. All marriages hereafter solemnized in any State between persons, one or both of whom professes or profess the Christian

religion, except marriages solemnized under Part VI, shall be registered in manner hereinafter prescribed.

27. Every clergyman of the Church of England shall keep a register of marriages and shall register therein according to the tabular form set forth in the Fourth Schedule every marriage which he solemnizes under this Enactment.

Registration of marriages solemnized by clergyman of the Church of England.

28. Every clergyman of the Church of England shall send four times in every year returns, authenticated by his signature, of the entries in the register of marriages solemnized at any place where he has any spiritual charge to the Registrar of the Archdeaconry to which he is subject, or within the limits of which such place is situate, and to the Chief Secretary, respectively.

Quarterly returns to Archdeaconry and to Chief Secretary.

Such quarterly returns shall contain all the entries of marriages contained in the said register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December of each year, respectively, and shall be sent by such clergyman within two weeks from the expiration of each of the quarters above specified.

Contents of returns.

29. Every marriage solemnized by a clergyman of the Church of Rome shall be registered by the person and according to the form directed in that behalf by the Roman Catholic Bishop of the diocese or vicariate in which such marriage is solemnized, and such person shall forward quarterly to the Chief Secretary returns of the entries of all marriages registered by him during the three months next preceding.

Registration and returns of marriages solemnized by clergyman of the Church of Rome.

30. Every clergyman of the Church of Scotland shall keep a register of marriages and shall register therein according to the tabular form set forth in the Fourth Schedule every marriage which he solemnizes under this Enactment, and shall forward quarterly to the Chief Secretary returns similar to those prescribed in Section 28 of all such marriages.

Registration and return of marriages solemnized by clergyman of the Church of Scotland.

31. Every marriage solemnized by any person who has received episcopal ordination, but who is not a clergyman of the Church of England or of the Church of Rome, or by any minister of religion licensed under this Enactment to solemnize marriages or by any minister of the Presbyterian Church of England shall immediately after the solemnization thereof be registered in duplicate by the person solemnizing the same—that is to say, in a marriage register book to be kept by him for that purpose according to the form contained in the Fifth Schedule and also in a certificate in the same form attached to the marriage register book as a counterfoil.

Certain marriages to be registered in duplicate.

32. The entry of such marriage in both the certificate and marriage register book shall be signed by the person solemnizing the marriage and also by the persons married and shall be attested by two credible witnesses other than the person solemnizing the marriage present at its solemnization.

Entries of such marriages to be signed and attested.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register book.

Certificate to be forwarded to Marriage Registrar copied and sent to Chief Secretary.

**33.** The person solemnizing the marriage shall forthwith separate the certificate from the marriage register book and send it within one month from the time of the solemnization to the Marriage Registrar for the district or State in which the marriage was solemnized or, if there be no Registrar for such district and more than one Registrar for such State, to the Senior Marriage Registrar, who shall cause such certificate to be copied into a book to be kept by him for that purpose, and shall send all the certificates which he has received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Chief Secretary.

Copies of certificates to be entered and numbered.

**34.** Such copies shall be entered in order from the beginning to the end of the said book and shall bear both the number of the certificate as copied and also a number to be entered by the Marriage Registrar, indicating the number of the entry of the said copy in the said book according to the order in which he receives such certificate.

Registrar to add number of entry to certificate and send to Chief Secretary.

**35.** The Marriage Registrar shall also add such last-mentioned number of the entry of the copy in the book to the certificate with his signature or initials and shall at the end of every month send the same to the Chief Secretary.

## PART VI.

### MARRIAGES SOLEMNIZED BY OR IN THE PRESENCE OF MARRIAGE REGISTRAR.

Notice of intended marriage before Marriage Registrar.

**36.** When a marriage is intended to be solemnized by or in the presence of a Marriage Registrar, one of the parties to such marriage shall give notice in writing in the form contained in the Second Schedule or to the like effect to any Marriage Registrar having jurisdiction in the place in which the parties have been dwelling ;

Or, if the parties dwell in places within the jurisdiction of different Marriage Registrars, shall give the like notice to the Marriage Registrar of each place and shall state therein the name and surname and the profession or condition of each of the parties intending marriage, the dwelling-place of each of them, the time during which each has dwelt therein and the place at which the marriage is to be solemnized ;

Provided that if either party has dwelt in the place stated in the notice for more than one month it may be stated therein that he or she has dwelt there one month and upwards.

Publication of notice.

**37.** Every Marriage Registrar shall, on receiving any such notice, cause a copy thereof to be affixed in some conspicuous place in his office.

When one of the parties intending marriage is a minor, every Marriage Registrar shall, within twenty-four hours after the receipt

by him of the notice of such marriage, send by post or otherwise a copy of such notice to each of the other Marriage Registrars, if any, in the same State who shall likewise affix the copy in some conspicuous place in his own office.

**38.** The Marriage Registrar shall file all such notices and keep them with the records of his office and shall also forthwith enter a true copy of all such notices in a book to be furnished to him for that purpose by the Chief Secretary and to be called the "Marriage Notice Book"; and the marriage notice book shall be open at all reasonable times without fee to all persons desirous of inspecting the same.

Notice to be filed and copy entered in the marriage notice book.

**39.** If the party by whom the notice was given requests the Marriage Registrar to issue the certificate next hereinafter mentioned, and if one of the parties intending marriage has made oath as hereinafter required, the Marriage Registrar shall issue under his hand a certificate of such notice having been given and of such oath having been made :

Certificate of notice given and oath made.

Provided

that no lawful impediment be shewn to his satisfaction why such certificate should not issue ;

Proviso.

that the issue of such certificate has not been forbidden in manner hereinafter mentioned by any person authorized in that behalf by this Enactment ;

that four days after the receipt of the notice have expired ; and further

that, where by such oath it appears that one of the parties intending marriage is a minor, fourteen days after the entry of such notice have expired.

**40.** (i) The certificate mentioned in Section 39 shall not be issued by any Marriage Registrar until one of the parties intending marriage appears personally before such Marriage Registrar and makes oath

Oath before issue of certificate.

(a) that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage ; and

(b) that both the parties have, or (where they have dwelt within the jurisdictions of different Marriage Registrars) that the party making such oath has had their, his, or her usual place of abode within the jurisdiction of such Marriage Registrar ; and

where either or each of the parties is a minor

(c) that the consent or consents to such marriage required by law has or have been obtained thereto or that there is no person resident in the Colony of the Straits Settlements or in any State in the Malay Peninsula under British Protection authorized to give such consent, as the case may be.

(ii) The Resident of the State wherein a party has given notice as aforesaid may at any time thereafter grant a license in the prescribed form authorizing the Marriage Registrar to issue his certificate on or after any day mentioned in such license and may, when he sees fit, grant a special license in the prescribed form dispensing with the certificate of the Marriage Registrar and authorizing a marriage between the parties to be solemnized in such State by any competent person on a day and between certain hours to be specified in the license.

Consent of  
father or  
guardian.  
Protest against  
issue of  
certificate.

**41.** Any person whose consent to any marriage is required under Section 8 may enter a protest against the issue of the Marriage Registrar's certificate by writing at any time before the issue of such certificate the word "Forbidden" opposite to the entry of the notice of such intended marriage in the marriage notice book and by subscribing thereto his or her name and place of abode and his or her position with respect to either of the parties by reason of which his or her consent is required.

Effect of  
protest.

When such protest has been entered, no certificate shall issue until the Marriage Registrar has examined into the matter of the protest and is satisfied that it ought not to obstruct the issue of the certificate for the said marriage or until the protest be withdrawn by the person who entered it.

Petition when  
Marriage Regis-  
trar refuses  
certificate.

**42.** Whenever a Marriage Registrar refuses to issue a certificate under this Part either of the parties intending marriage may apply by petition to the Supreme Court.

Procedure on  
petition.

The said Court may examine the allegations of the petition in a summary way and shall decide thereon.

The decision of the said Court shall be final, and the Marriage Registrar to whom the application for the issue of a certificate was originally made shall proceed in accordance therewith.

Petition when  
Registrar  
doubts autho-  
rity of persons  
forbidding.

**43.** Whenever a Marriage Registrar is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, such Marriage Registrar shall apply by petition to the Supreme Court.

Procedure on  
petition.

The said petition shall state all the circumstances of the case and pray for the order and direction of the Supreme Court concerning the same, and the said Court shall examine into the allegations of the petition and the circumstances of the case, and if upon such examination it appears that the person forbidding the issue of such certificate is not authorized by law so to do the Court shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid, and thereupon such certificate shall be issued and the like proceedings may be had in relation to such marriage as if the issue had not been forbidden.

Liability for  
frivolous pro-  
test against  
the issue of  
certificate.

**44.** Every person entering a protest with the Marriage Registrar under this Part against the issue of any certificate on grounds which such Marriage Registrar under Section 41 or the Supreme Court under Section 42 or 43 declares to be frivolous and such as ought not



to obstruct the issue of the certificate shall be liable for the cost of all proceedings relating thereto and for damages to be recovered by suit by the person against whose marriage such protest was entered.

**45.** The certificate to be issued by the Marriage Registrar under the provisions of Section 39 shall be in the form contained in the Third Schedule or to the like effect, and the Chief Secretary shall furnish to every Marriage Registrar a sufficient number of forms of certificate.

Form of certificate.

**46.** After the issue of the certificate of the Marriage Registrar or, where notice is required to be given under this Enactment to the Marriage Registrars for different places, after the issue of the certificates of the Marriage Registrars for such places, the marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate or certificates, be solemnized between them according to such form and ceremony as they think fit to adopt, but every such marriage shall be solemnized in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid) and of two or more credible witnesses besides the Marriage Registrar; and in some part of the ceremony each of the parties shall declare as follows or to the like effect—

Solemnization of marriage after issue of certificate.

“I do solemnly declare that I know not of any lawful impediment why I, A. B., may not be joined in matrimony to C. D.”

And each of the parties shall say to the other as follows, or to the like effect—

“I call upon these persons here present to witness that I, A. B., do take thee, C. D., to be my lawful wedded wife (or husband).”

**47.** Whenever a marriage is not solemnized within two months after the copy of the notice has been entered by the Marriage Registrar as required by Section 38, the notice and the certificate, if any, issued thereupon and all other proceedings thereupon shall be void and no person shall proceed to solemnize the marriage nor shall any Marriage Registrar enter the same until new notice has been given and entry made and certificate thereof given at the time and in the manner aforesaid.

When marriage not had within two months after notice, new notice required.

**48.** A Marriage Registrar before whom any marriage is solemnized under this Part may ask of the persons to be married the several particulars required to be registered touching such marriage.

Marriage Registrar may ask for particulars to be registered.

**49.** After the solemnization of any marriage under this Part the Marriage Registrar present at such solemnization shall forthwith register the marriage in duplicate—that is to say, in a marriage register book according to the form of the Fifth Schedule and also in a certificate attached to the marriage register book as a counter-foil. The entry of such marriage in both the certificate and the marriage register book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the Marriage Registrar present at such marriage, whether or not it is solemnized by him, and also by the parties married, and

Registration of marriages solemnized under Part VI

attested by two credible witnesses other than the Marriage Registrar and the person solemnizing the marriage.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register book.

Certificate to be sent monthly to Chief Secretary.

**50.** The Marriage Registrar shall forthwith separate the certificate from the marriage register book and shall send it at the end of the current month to the Chief Secretary.

Custody of register book.

The Marriage Registrar shall keep safely the said register book until it is filled and shall then send it to the Chief Secretary to be kept by him with the records of his office.

Registrars to ascertain that notice and certificate are understood by native Christians.

**51.** When any native Christian about to be married gives a notice of marriage or applies for a certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said native Christian understands the English language and, if he does not, the Marriage Registrar shall translate or cause to be translated such notice or certificate or both of them, as the case may be, to such native Christian into a language which he understands, or the Marriage Registrar shall otherwise ascertain whether the native Christian is cognizant of the purport and effect of the said notice and certificate.

Native Christians to be made to understand declarations.

**52.** When any native Christian is married under the provisions of this Part, the person solemnizing the marriage shall ascertain whether such native Christian understands the English language and, if he does not, the person solemnizing the marriage shall at the time of solemnization translate or cause to be translated to such native Christian into a language which he understands the declarations made at such marriage in accordance with the provisions of this Enactment.

## PART VII.

### PENALTIES.

False oath, notice, or certificate for procuring marriage.

**53.** Whoever for the purpose of procuring any marriage intentionally makes any false oath or signs any false notice or certificate required by this Enactment shall be deemed guilty of the offence described in Section 193 of the Penal Code.

Forbidding by false personation issue of certificate by Marriage Registrar.

**54.** Whoever forbids the issue by the Marriage Registrar of a certificate by falsely representing himself to be a person whose consent to the marriage is required by law knowing or believing such representation to be false or not having reason to believe it to be true shall be deemed guilty of the offence described in Section 205 of the Penal Code.

Solemnizing marriage without due authority.

**55.** Whoever not being authorized under this Enactment to solemnize a marriage in the absence of a Marriage Registrar knowingly solemnizes a marriage between persons one or both of whom is or are a Christian or Christians shall be punished with imprison-

ment of either description for a term which may extend to ten years and shall also be liable to fine.

**56.** Whoever knowingly and wilfully contrary to the provisions of this Enactment solemnizes a marriage between persons one or both of whom is or are a Christian or Christians at any time other than between the hours of six in the morning and seven in the evening or in the absence of at least two credible witnesses other than the person solemnizing the marriage shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

Solemnizing marriage out of proper time or without witnesses.

**57.** Any minister of religion licensed to solemnize marriages under this Enactment or minister of the Presbyterian Church of England who, without the prescribed notice in writing, or when one of the parties to the marriage is a minor and the required consent of the parents or guardians to such marriage has not been obtained within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnizes a marriage under Part IV shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

Solemnizing marriage without notice or within fourteen days after notice of marriage with minor.

**58.** A Marriage Registrar under this Enactment who knowingly and wilfully commits any of the following offences :

- (a) Issues any certificate for marriage or solemnizes any marriage without publishing the notice of such marriage as directed by this Enactment ;
- (b) After the expiration of two months from the issue by him of a certificate in respect of any marriage solemnizes such marriage ;
- (c) Solemnizes in any State, except under a license or special license of the Resident of such State, any marriage when one of the parties is a minor before the expiration of fourteen days after the receipt of the notice of such marriage or without sending by post or otherwise a copy of such notice to the Senior Marriage Registrar for such State if there be more Marriage Registrars than one and if he himself be not the Senior Marriage Registrar ;
- (d) Issues any certificate the issue of which has been prohibited as in this Enactment by any person authorized to prohibit the issue thereof ;

Issuing certificate or marrying without publication of notice.

Marrying after expiry of certificate.

Solemnizing marriage with minor within fourteen days or without sending copy of notice.

Issuing certificate against authorized prohibition.

shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine.

**59.** Any Marriage Registrar knowingly and wilfully issuing any certificate for marriage after the expiration of two months after the notice has been entered by him as aforesaid, or knowingly and wilfully issuing any certificate for marriage where one of the parties intending marriage is a minor before the expiration of fourteen days after the entry of such notice or any certificate the issue of which has been forbidden as aforesaid by any person authorized

Issuing certificate after expiry of notice or in case of minor within fourteen days after notice or against authorized prohibition.

in this behalf, shall be deemed to have committed an offence under Section 166 of the Penal Code.

Marrying without consent of father or guardian.

**60.** (i) Any person who, except in the case provided for by Section 9, knowingly and wilfully solemnizes any marriage without the consent of any person whose consent is required for such marriage or any marriage which has been forbidden by any person authorized to forbid the same shall be punished with imprisonment of either description for a term which may extend to four years and shall also be liable to fine.

(ii) Whoever being authorized under this Enactment to solemnize a marriage and—

Persons authorized to solemnize marriage (other than clergymen of Church of England, Scotland, or Rome).

Not being a clergyman of the Church of England solemnizing a marriage after due publication of banns or under a license from the said Titular Anglican Bishop or his commissary or surrogate duly authorized in that behalf ;

Or not being a clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies, and customs of that Church ;

Or not being a clergyman of the Church of Rome solemnizing a marriage according to the rules, rites, ceremonies, and customs of that Church ;

Issuing certificate or marrying without publishing notice or after expiry of certificate.

Knowingly and wilfully issues any certificate for marriage under this Enactment or solemnizes any marriage between such persons as aforesaid without publishing or causing to be affixed the notice of such marriage as directed in Part IV or after the expiration of two months after the certificate has been issued by him ;

Issuing certificate for or solemnizing marriage with minor within fourteen days after notice.

Or knowingly and wilfully issues any certificate for marriage or solemnizes a marriage between such persons when one of the parties intending marriage is a minor before the expiration of fourteen days after the receipt of notice of such marriage or without sending by post or otherwise a copy of such notice to the Marriage Registrar for the district or State in which the marriage is intended to be solemnized or, if there be no Registrar for such district and more than one Registrar for such State, to the Senior Marriage Registrar ;

Issuing certificate authorizedly forbidden.

Or knowingly and wilfully issues any certificate the issue of which has been forbidden under this Enactment by a person authorized to forbid the issue ;

shall be punished with imprisonment of either description for a term which may extend to four years and shall also be liable to fine,

**61.** Whoever by himself or another—

Destroying or falsifying register book.

Wilfully destroys or injures any register book or the counterfoil certificates thereof or any part thereof or any authenticated extract therefrom ;

Or falsely makes or counterfeits any part of such register book or counterfoil certificates ;

Or wilfully inserts any false entry in any such register book or counterfoil certificate or authenticated extract ;  
shall be punished with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

**62.** Whoever being required by this Enactment to keep a register of marriages

Neglect to preserve register or make returns, etc.

- (a) fails to keep a proper register of such marriages ;
- (b) neglects or refuses to send to the Chief Secretary such returns of the entries of marriages contained in such register as are prescribed by this Enactment to be sent to the Chief Secretary ;
- (c) neglects or refuses to give a copy of any entry in such register to any person legally requiring the same on tender of the fee payable for such copy ;
- (d) does any act or thing which he is prohibited from doing or omits to do any act or thing which he is required to do by this Enactment for which no penalty is hereinbefore expressly provided ;

shall be guilty of an offence and shall be liable on conviction for a first offence to a fine not exceeding one hundred dollars and for every subsequent offence to a fine not exceeding five hundred dollars.

**63.** No prosecution for any offence punishable under this Enactment shall be instituted except with the authority, in writing, of the Legal Adviser of the Federated Malay States.

Limitation of prosecutions under this Enactment

## PART VIII.

### MISCELLANEOUS.

**64.** Whenever any marriage has been solemnized in accordance with the provisions of Sections 4 and 5 it shall not be void merely on account of any irregularity in respect of any of the following matters—namely :

Marriage not void on account of irregularity in certain matters.

- (a) Any statement made in regard to the dwelling of the persons married or to the consent of any person whose consent to such marriage is required by law ;
- (b) The notice of the marriage ;
- (c) The certificate or translation thereof ;
- (d) The time and place at which the marriage has been solemnized ;
- (e) The registration of the marriage.

**65.** Every person charged with the duty of registering any marriage who discovers any error in the form or substance of any such entry may, within one month next after the discovery of such

Correction of errors.

error, in the presence of the persons married or, in case of their death or absence, in the presence of two other credible witnesses correct the error by entry in the margin without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of such correction, and such person shall make the like marginal entry in the certificate thereof.

And every entry made under this section shall be attested by the witnesses in whose presence it was made, and in case such certificate has been already sent to the Chief Secretary such person shall make and send in like manner a separate certificate of the original erroneous entry and of the marginal correction therein made.

Searches and  
copies of  
entries.

**66.** Every person solemnizing a marriage under this Enactment and hereby required to register the same and every Marriage Registrar or the Chief Secretary having the custody for the time being of any register of marriages or of any certificate or duplicate or copy of any certificate under this Enactment shall on payment of the proper fees at all reasonable times allow searches to be made in such register or for such certificate or duplicate or copy, and give a copy under his hand of any entry in the same.

Certified copy  
of entry in  
marriage  
register, etc.,  
to be evidence.

**67.** Every certified copy purporting to be signed by the person entrusted under this Enactment with the custody of any marriage register or certificate or duplicate, required to be kept or delivered under this Enactment, of any entry of a marriage in such register or of any such certificate or duplicate shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such register or certificate or duplicate or of any entry therein, respectively, or of such copy.

Fees.

**68.** Fees shall be chargeable under this Enactment for

- receiving and publishing notices of marriages ;
- issuing certificates of marriage by Marriage Registrars and registering marriages by the same ;
- entering protests against or prohibitions of the issue of marriage certificates by the said Registrars ;
- granting licenses or special licenses under Section 40 (ii) ;
- searching register books or certificates or duplicates or copies thereof ;
- giving copies of entries in the same under Section 66.

Subject to the approval of the Chief Secretary the Resident of each State shall fix for the State whereof he is Resident the amount of such fees, respectively, and may from time to time vary or remit them either generally or in special cases as to him may seem fit.

Rules.

**69.** (i) The Resident of each State may, with the approval of the Chief Secretary, make rules for the State whereof he is Resident, in regard to any of the matters hereinafter specified and such rules

shall be published in the *Gazette* and shall thereupon be of the same force as if enacted in this Enactment.

(ii) The matters referred to in the last sub-section are as follows :

- (a) The disposal of the fees mentioned in Section 68 ;
- (b) The supply of register books ;
- (c) The preparation and submission of returns of marriages solemnized under this Enactment ;
- (d) Prescribing any forms required by this Enactment and re-forming, altering, or amending any of the forms prescribed by the schedules to this Enactment.

**70.** Nothing in this Enactment applies to any marriage performed by any Minister, Consul-General, Consul, Vice-Consul, or Consular Agent between subjects of the State which he represents and according to the laws of such State.

*Saving of certain marriages.*

**71.** Nothing in this Enactment shall be deemed to validate any marriage which the personal law applicable to either of the parties forbids him or her to enter into.

*Saving of personal law applicable to parties.*

**72.** Licenses and special licenses given under this Enactment may be in or in accordance with the forms contained in the Sixth Schedule.

*Form of license.*

#### THE FIRST SCHEDULE.

#### ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak ..	3 of 1902	The Christian Marriage Enactment, 1902
Selangor ..	7 of 1902	Do.
N. Sembilan ..	4 of 1902	Do.
Pahang ..	7 of 1902	Do.
„ ..	2 of 1893	Registration of Marriages between British Subjects

## THE SECOND SCHEDULE.

(See Sections 12 and 36.)

## NOTICE OF MARRIAGE.

To ....., a Minister (or Registrar) of .....

I hereby give you notice that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say) :

Names.	Condition.	Rank or profession.	Age.	Dwelling-place.	Length of residence.	Church, chapel, or place in which the marriage is to be solemnized.	Place in which the other party resides, when the parties dwell in different places.
<i>James Smith.</i>	<i>Widower.</i>	<i>Carpenter.</i>	<i>Of full age.</i>	<i>16, Chire Street.</i>	<i>23 days.</i>	<i>St. Mary's Church, Kuala Lumpur.</i>	
<i>Martha Green.</i>	<i>Spinster.</i>	<i>:</i>	<i>Minor.</i>	<i>20, Hastings Street.</i>	<i>More than a month.</i>		

Witness my hand, this ..... day of ....., 19..

(Signed) JAMES SMITH.

(The *italics* in this schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when the parties live within the jurisdiction of different Marriage Registrars.)



## THE THIRD SCHEDULE.

(See Sections 23 and 45.)

## CERTIFICATE OF RECEIPT OF NOTICE.

I, . . . . ., do hereby certify that, on the . . . . . day of . . . . . notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described, delivered under the hand of . . . . ., one of the parties (that is to say) :

Names.	Condition.	Rank or profession.	Age.	Dwelling-place.	Length of residence.	Church, chapel, or place in which the marriage is to be solemnized.	Place in which the other party resides, when the parties dwell in different places.
<i>James Smith.</i>	<i>Widower.</i>	<i>Carpenter.</i>	<i>Of full age.</i>	:	<i>23 days.</i>		
<i>Martha Green.</i>	<i>Spinster.</i>	:	<i>Minor.</i>	:	<i>More than a month.</i>	<i>St. Mary's Church, Kuala Lumpur.</i>	

and that the declaration, required by Section 18 (or 40) of "The Christian Marriage Enactment, 1915," has been duly made by the said (*James Smith*).

Date of notice entered. . . . . } The issue of this certificate has not been prohibited by any person authorized to forbid the issue thereof.

(Signed)

(The *italics* in this schedule are to be filled up as the ease may be, and the blank division thereof is only to be filled up when the parties live within the jurisdiction of different Marriage Registrars.)

## THE FOURTH SCHEDULE.

(See Section 27.)

## FORM OF REGISTER OF MARRIAGES.

## QUARTERLY RETURNS OF MARRIAGES.

I, A. B., Clergyman of the Church of England, resident at....., do hereby certify that the annexed are correct copies of the original entries in the Register of Marriages solemnized by me for the quarter commencing the.....day of.....and ending the.....day of.....in the year of Our Lord.....

Marriage solemnized at.....

*Signature of Clergyman.*

When married.		Names of parties.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.	By banns or license.	Signatures of the parties.	Signatures of two or more witnesses present.	Signature of the person solemnizing the marriage.
Year.	Month.	Day.	Christian name.									

(See Sections 31 and 49.)

## MARRIAGE REGISTER BOOK.

Number.	When married.			Names of parties.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.
	Day.	Month.	Year.	Christian name.	Surname.					
1				<i>James</i>	<i>White</i>	<i>26 years</i>	<i>Widower</i>	<i>Carpenter</i>		<i>William White</i>
				<i>Martha</i>	<i>Duncan</i>	<i>17 years</i>	<i>Spinster</i>	<i>..</i>		<i>John Duncan</i>

Married in the.....

This marriage was solemnized between us { *James White* } in the presence of us { *John Smith.* }  
{ *Martha Duncan* } { *John Green.* }

THE FIFTH SCHEDULE.  
(Form 2.)  
CERTIFICATE OF MARRIAGE.

Number.	When married.			Names of parties.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.
				Christian name.	Surname.					
1	Day.	Month.	Year.	James	White	26 years	Widower	Carpenter		William White
				Martha	Duncan	17 years	Spinster	..		John Duncan

Married in the.....

This marriage was solemnized between us { James White } in the presence of { John Smith.  
Martha Duncan } John Green.

## THE SIXTH SCHEDULE.

(Form 1.)

## FORM OF LICENSE TO SOLEMNIZE MARRIAGES.

(See Section 6.)

Whereas the Reverend....., residing at....., ..... a Minister of Religion—that is to say, an ordained Minister of the [here specify the religious denomination], is desirous to be authorized to celebrate marriages within the State of..... :

Now therefore in pursuance of "The Christian Marriage Enactment, 1915," I do hereby authorize the said.....so long as this license remains unrevoked to solemnize marriages in the State of.....

Given under my hand at....., this.....day of....., 19..

.....  
*Resident of the State of.....*

(Form 2.)

SPECIAL LICENSE FOR A MINISTER OF RELIGION  
 TO SOLEMNIZE A MARRIAGE OTHERWISE THAN  
 BETWEEN THE HOURS OF SIX IN THE MORNING  
 AND SEVEN IN THE EVENING.

(See Section 10.)

Whereas a marriage is intended to be solemnized between..... and.....and sufficient cause has been shewn why such marriage should be allowed at a time other than that allowed by Section 10 of "The Christian Marriage Enactment, 1915" :

Now therefore in pursuance of the said Enactment I hereby specially license the Reverend A. B., a Minister of Religion, licensed to solemnize marriages under the said Enactment, to solemnize the said marriage between the hours of.....in the.....and..... in the.....

Given under my hand at....., this.....day of....., 19..

.....  
*Resident of the State of.....*

(Form 3.)

LICENSE FOR A MARRIAGE TO BE SOLEMNIZED  
 BEFORE A MARRIAGE REGISTRAR, OTHERWISE  
 THAN BETWEEN THE HOURS OF SIX IN THE  
 MORNING AND SEVEN IN THE EVENING.

(See Section 10.)

Whereas.....and.....desire to marry in the presence of the Marriage Registrar of....., and sufficient cause has been shewn to

me why such marriage should be allowed at a time other than that allowed by Section 10 of "The Christian Marriage Enactment, 1915":

Now therefore in pursuance of the said Enactment I hereby authorize the said marriage to be solemnized in the presence of the said Marriage Registrar between the hours of.....in the..... and.....in the.....

Given under my hand at....., this.....day of....., 19..

.....  
*Resident of the State of.....*

(Form 4.)

#### FORM OF LICENSE UNDER SECTION 40.

Whereas on the.....day of....., 19.., notice was given to the Marriage Registrar at.....of a marriage intended to be had between A. B. and C. D. therein mentioned, and the said A. B. desires to obtain a license for the immediate issue of a certificate of such notice and has made before the said Marriage Registrar the affidavit required by Part VI of "The Christian Marriage Enactment, 1915":

Now therefore in pursuance of the said Enactment I do hereby authorize the said Marriage Registrar to issue the said certificate at any time on or after the.....day of.....[the date of the notice].

Given under my hand at....., this.....day of....., 19..

.....  
*Resident of the State of.....*

(Form 5.)

#### FORM OF SPECIAL LICENSE UNDER SECTION 40.

Whereas A. B. and C. D. desire to marry and sufficient cause has been shewn to me why such marriage should be allowed without the formalities prescribed by Part VI of "The Christian Marriage Enactment, 1915": Now therefore in pursuance of the said Enactment I do dispense with the giving of notice and the issue of the certificate thereby prescribed [or as the case may be] and do hereby authorize any competent person to solemnize marriage between the said A. B. and C. D. at [place of solemnization] upon the.....day of....., 19.., between the hours of.....and.....

Given under my hand at....., this.....day of....., 19..

.....  
*Resident of the State of.....*

## ENACTMENT NO. 3 OF 1915.

As amended by Fed. E. 24 of 1916 and 2 of 1920.

An Enactment to repeal and re-enact with amendments the Law relating to the granting of Pensions to Widows and Orphans of Public Servants and to the management and control of such Pensions.

ARTHUR YOUNG,  
*President of the Federal Council.*

[1st June, 1915.  
2nd July, 1915.]

It is hereby enacted by the Rulers of the Federated Malay States in Council as follows :—

1. (i) This Enactment may be cited as “The Widows’ and Orphans’ Pension Enactment, 1915,” and shall come into force upon the publication thereof in the *Gazette*. Short title, commencement, and repeal.

(ii) Upon the coming into force of this Enactment the Enactments specified in the first schedule shall be repealed.

2. In this Enactment if not inconsistent with the context the following expressions have the meanings hereinafter respectively assigned to them—that is to say, Interpretation.

“Public servant” means a person holding a pensionable office in the service of the Government of the Federated Malay States or a member of the Police Force of the Federated Malay States of the rank of sergeant or of higher rank but does not include any person whose salary is less than twenty dollars a month or who is not restricted by law to one wife at a time.

“Of a pensionable age” as applied to children means in the case of a male that he is under the age of eighteen years and in the case of a female that she is under the age of twenty-one years and has not been married.

“Contributor” means and includes every person from whose salary or pension deductions are made in accordance with the provisions of this Enactment. E. 2 of 1920.

“The Directors” means such persons not less than three in number as may be appointed from time to time by the Chief Secretary to Government to carry out the provisions of this Enactment subject to the control of and to rules for their guidance made by the Chief Secretary to Government.

“The Government” means the Government of the Federated Malay States.

Pensions to be a charge on general revenue.

3. (i) Pensions which would have been payable under any Enactment hereby repealed if this Enactment had not been passed and all future pensions shall after the commencement of this Enactment be paid under the directions of the Chief Secretary to Government and are hereby made charges upon the general revenue of the Federated Malay States.

Future contributions.

(ii) All future contributions and other revenues receivable from public officers under the provisions of this Enactment shall be carried to the credit of the Chief Secretary to Government as by law incorporated.

Abatements from salaries to be made.

4. From and after the commencement of this Enactment a monthly abatement of four per cent. shall be made as well from the salary or pension, as the case may be, of every public servant who enters the service of the Government subsequently to the commencement of this Enactment as from the salaries and pensions, as the case may be, of such public servants as have become contributors under any Enactment hereby repealed before the commencement of this Enactment; and all such abatements shall be paid to the credit of the Chief Secretary to Government. Provided that in the case of an officer holding or having held a post the salary of which is on a sterling basis the abatement shall be made in dollars at four per cent. of such sterling salary or pension converted into dollars at the rate from time to time fixed by the Government for the payment of such salaries or pensions. Provided further that contributions shall continue to be made on the full salary whenever an officer is on leave of absence with half salary or without salary.

A person who holding a non-pensionable office in the Government service is appointed to a pensionable office shall be deemed to enter into the service of the Government on the date of such appointment.

Period for which abatement shall be made.

5. Such abatement shall continue to be made until the contributor attains the age of sixty-five years, if he continues so long in the service of the Government, or until such abatement has been made for thirty-five successive years counting from the first abatement from his original salary, in either of which events such abatement shall cease; and such abatement shall be calculated on the salary of the permanent appointment of the contributor irrespective of any temporary increment of salary which he may derive from an acting appointment and irrespective of personal and other allowances, except pensionable personal allowances which shall be deemed to be part of the contributor's salary for the purpose of calculating such abatement.

Abatement to be made from salary of permanent post.

Contributions where official income is reduced.

E. 21 of 1916.

6. (i) *If the official income of a contributor becomes reduced, whether by reduction of salary or by his retirement on a pension, he may upon giving notice in writing to the Directors of his desire to do so continue his rate of contribution for the remainder of the thirty-five years or until he attains the age of sixty-five according to the full amount of contribution paid by him at the date of such reduction or retirement, as the case may be, in which case his widow or children shall be entitled to pension accordingly.*



(ii) *Where such reduction of official income is due to retirement on a pension and the contributor draws a pension not only from the Federated Malay States but also from the Colony of the Straits Settlements, or from any Malay State under the protection of the British Government, he shall, unless he contributes in accordance with the provisions of sub-section (i), contribute on the aggregate amount of the pensions granted to him by the Federated Malay States and by the said Colony, and by any such Malay State and such aggregate amount shall for the purposes of this section be deemed to be his reduced official income.*

(iii) *Where a contributor only contributes on his reduced official income, any pension to his widow or children shall be diminished in the same proportion as it would have been increased had his rate of contribution been raised instead of being lowered.*

7. *A contributor who retires or is removed from the service of the Government, being then a widower without children of a pensionable age, shall cease to contribute and his rights under this Enactment shall cease, except that he shall be entitled to repayment, without interest, of fifty per cent. of the contributions made by him since the death of his last wife or since the ceasing to be pensionable of his last child, whichever event shall have last happened.*

Widower,  
without  
pensionable  
children,  
retiring or  
being removed.  
E. 2 of 1920.

8. *If a contributor who is a widower without children entitled to pensions dies while in the service, fifty per cent. of the contributions made by him since the death of his last wife or the ceasing to be pensionable of his last child, whichever event shall have last happened, shall be paid, but without interest, to his legal representative.*

Widower,  
without  
pensionable  
children, dying  
in the service.

9. *If a contributor who has retired on a pension subsequently ceases to have a wife or child who would on his death be entitled to pension, he shall thereupon cease to contribute and his rights under this Enactment shall cease.*

Contributor  
retired on  
pension.  
E. 2 of 1920.

10. (i) *A married contributor who retires or is removed from the service of the Government before he is entitled to a pension may continue to contribute from and after the date of his ceasing to draw salary on the salary which he was receiving from the Government at such date and at the same rate and subject to the same terms and conditions as if he had continued in the service of the Government. In the event of his failing so to continue to contribute, or in the event of any contribution due from him being in arrear for six months, it shall be considered that he has ceased to be a contributor and his widow or widow and children, as the case may be, shall be entitled on his death to a pension computed only on the basis of the interest acquired by such contributor at the date of his ceasing to contribute in accordance with the tables and rules hereinafter referred to.*

Interest of  
contributors  
retiring with-  
out pension.

(ii) *A contributor who retires or is removed from the service of the Government, being then a bachelor, shall cease to contribute and his rights under this Enactment shall cease, except that he shall be entitled to repayment, without interest, of fifty per cent. of the contributions made by him.*

E. 2 of 1920.

11. *If a contributor who is a bachelor dies while in the service, fifty per cent. of the contributions made by him shall be paid, but without interest, to his legal representative.*

Interest of  
deceased  
bachelor.

Contributor transferred to other employment in country where the law provides for granting pensions to widows and children.

12. (i) When a contributor is transferred from the service of the Government to other employment under the Crown of Great Britain in some British Colony or other country or to the service of any Malay State which may for the time being be under the protection of the British Government in which Colony, country, or State provision is made by law for the granting of pensions to widows and children of persons employed in its service, he shall cease to contribute under the provisions of this Enactment so soon as he shall become a contributor under the provisions of that law, *but so that nevertheless*

- (a) *his widow or children, as the case may be, shall be entitled on his death to a pension computed on the basis of the pension rights acquired by such contributor at the date of his transfer in accordance with the tables and rules hereinafter referred to ;*
- (b) *if he retires or is removed from the service of such Colony, country, or State or dies while in the service thereof and is at the time of such retirement, removal, or death a widower without children of a pensionable age or a bachelor, the provisions of Section 7, 8, 10 (ii), or 11, as the case may be, shall be deemed to apply.*

(ii) When a contributor is transferred to a Colony, country, or State (not being a Malay State or the State of North Borneo) where no provision has been made by law for granting such pensions as aforesaid, such contributor shall—

- (a) *if married or a widower having children of a pensionable age be entitled, on giving notice in writing to the Directors within one month after his transfer from the service of the Government of his desire to do so, to continue to be a contributor on the salary of the last substantive appointment held by him in the Federated Malay States at the date of his transfer, at the same rate and subject to the same terms and conditions as if he had continued in the service of the Government ;*
- (b) *if then a widower without children of a pensionable age or a bachelor be entitled to elect, on giving the notice required to be given under paragraph (a) of this sub-section, to continue to contribute as is provided in the said paragraph or to be paid fifty per cent. of his actual contributions.*

In the event of the contributions of any such contributor being in arrear for six months it shall be considered that he has ceased to be a contributor and his widow or his widow and children, as the case may be, shall be entitled on his death to a pension computed only on the basis of the pension rights acquired by such contributor at the date of his ceasing to contribute in accordance with the tables and rules hereinafter referred to.

*When any such contributor, being a widower without children of a pensionable age or a bachelor, has elected to continue to contribute, then if he retires or is removed from the service of such Colony, country, or State or dies while in the service thereof and is at the time of such retirement, removal, or death a widower without children of a pensionable age or a bachelor, the provisions of Section 7, 8, 10 (ii), or 11, as the case may be, shall be deemed to apply.*

E. 2 of 1920.

Contributor transferred to country where no such law exists.

E. 2 of 1920.

*When any such contributor, being a widower without children of a pensionable age or a bachelor, has elected to be paid fifty per cent. of his actual contributions, then on such payment being made his rights and liabilities under this Enactment shall cease.*

(iii) When a contributor, whether married or a bachelor, is transferred to any Malay State where no provision has been made by law for granting such pensions as aforesaid or to the State of North Borneo, such contributor shall continue to be a contributor under the provisions of this Enactment on the salary which for the time being he may be entitled to receive in respect of any office held by him in the service of such Malay State or the State of North Borneo at the same rate and subject to the same terms and conditions as if he had continued in the service of the Government of the Federated Malay States.

Contributor transferred to a Malay State where no such law exists or to North Borneo.

In the event of the contributions of such contributor to the Government of the Federated Malay States being in arrear, such arrears together with interest thereon at the rate of six per cent. shall be recoverable from such contributor as a debt due to the Chief Secretary to Government or shall be deducted from any salary which may subsequently be payable to him by the Government of the Federated Malay States.

(iv) Where a contributor either elects or is bound under the provisions of sub-section (ii) or (iii) to continue his contribution after being transferred as aforesaid, he may cease to contribute under this Enactment so soon as the Government of the Colony, country, or State in whose service he shall be employed shall have made provision by law for granting pensions to widows and children of persons employed in its service and he shall have become a contributor under the provisions of that law; *but so that nevertheless, in the event of his so electing to cease contributing,*

E. 2 of 1920.

*(a) his widow or children, as the case may be, shall be entitled on his death to a pension computed on the basis of the pension rights acquired by such contributor at the date of his so ceasing to contribute in accordance with the tables and rules hereinafter referred to;*

*(b) if he retires or is removed from the service of such Colony, country, or State or dies while in the service thereof and is at the time of such retirement, removal, or death a widower without children of a pensionable age or a bachelor, the provisions of Section 7, 8, 10 (ii), or 11, as the case may be, shall be deemed to apply.*

Provided that nothing in this section shall affect the rights of any contributor who was transferred from the service of the Government to other employment under the Crown of Great Britain or to the service of any Malay State before the first day of October, 1902.

(v) As soon as provision is made by the law of the State of North Borneo for granting pensions to widows and children of persons employed in the service of that State, the provisions of sub-section (i) shall apply as if the State of North Borneo was therein mentioned.

Contributors  
transferred  
from Straits  
Settlements.

**13.** When an officer in the service of the Colony of the Straits Settlements who is a contributor under the Widows' and Orphans' Pension Ordinance of the said Colony has been transferred to the service of the Government of the Federated Malay States, he shall forthwith become a contributor under this Enactment on the full salary to which he shall from time to time be entitled in the service of the Government of the Federated Malay States. Provided that the period during which he has contributed under the Widows' and Orphans' Pension Ordinance of the said Colony shall be taken into account in reckoning the period of thirty-five years referred to in Section 5.

Arrears of  
contribution  
under the law  
of the Straits  
Settlements.

**14.** When an officer in the service of the Colony of the Straits Settlements who is a contributor under the Widows' and Orphans' Pension Ordinance of the said Colony has been transferred to the service of any Malay State where no provision has been made by law for the granting of pensions to widows and children of persons employed in its service and the contribution of such contributor under the said Widows' and Orphans' Pension Ordinance is in arrear, such arrears shall be deducted from any salary which may subsequently be payable to him by the Government of the Federated Malay States.

Rules for pay-  
ment when a  
contributor on  
leave of absence  
or pensioner is  
paid by the  
Crown Agents.

**15.** (i) When a contributor on leave of absence is paid by the Crown Agents, he shall be entitled to receive ninety-six per cent. or forty-six per cent. of his nominal salary, according as he is on full or half pay leave, converted in the case of dollar salaries into sterling at the rate of exchange at which such contributor is entitled to receive such salary.

(ii) When a contributor receives his pension through the Crown Agents, such pension,

(a) if a dollar pension, shall be reduced by the amount of his dollar contributions and the balance thus reduced shall be payable to him converted into sterling at the rate of exchange at which he is entitled to receive such pension ; and

(b) if a sterling pension, shall be payable to him reduced only by four per cent. of his sterling salary or pension, as the case may be.

Register of  
contributors  
to be kept.

**16.** (i) A register shall be kept by the Directors in which shall be entered the date of the birth of every contributor and, if he be married, the dates of the births of his wife and children (if any) and all other dates and particulars respecting contributors and their families material to be recorded for the purposes of this Enactment.

Public servants  
hereafter  
appointed.

(ii) Every public servant who enters the service of the Government subsequently to the commencement of this Enactment or who if a police officer attains the rank of sergeant after the commencement of this Enactment shall within six months after the date thereof notify to the Directors the date of his birth, and if he be a married man the date of his marriage and of the births of his wife and children (if any), all duly proved to the satisfaction of the Directors by affidavit or otherwise.

(iii) Every contributor who marries after the commencement of this Enactment or who being married becomes divorced from his wife shall within three months after his marriage or divorce, as the case may be, notify the same to the Directors in writing and in case of his marriage state the date of the birth of his wife duly proved as aforesaid.

To notify marriage or divorce.

(iv) Every contributor shall notify to the Directors in writing the birth of each child born to him within three months from the date of such birth, duly proved as aforesaid, and the marriage of any female child under the age of twenty-one within three months from the date of such marriage, and also within three months from the date of the event the death of his wife or any of his pensionable children.

To notify birth of child, marriage of daughter, and death of wife or child.

(v) After the death of any contributor notice of such death and of the birth of any posthumous child born to such contributor, duly proved as aforesaid, and of the marriage of any female child of such contributor under the age of twenty-one years, and of the death of any child of such contributor under the age of eighteen years if a male or under the age of twenty-one years if a female shall be given in writing by the widow of such contributor to the Directors within three months after the date of the event.

Death of contributor and birth of posthumous child and marriage or death of child to be notified.

17. A contributor or widow who fails or neglects to comply with any of the requirements of the foregoing section shall for each default pay a fine not exceeding twenty-five dollars, which shall be deducted from his or her salary or pension, as the case may be, by the Treasurer on the certificate of the Directors. A contributor who wilfully makes any false statement respecting any of the particulars required to be furnished by this Enactment shall forfeit at the discretion of the Directors all or any part of his rights under this Enactment.

Penalty for non-compliance with foregoing.

Penalty for false statement.

18. (i) The prospective pensions of the widows and orphans of public officers contributing under any Enactment hereby repealed on the day previous to the commencement of this Enactment and the existing pensions of the widows and orphans of any former public officers who died previous to that date shall be payable on the basis of the tables and rules contained in the second schedule ; provided that in any case in which the pension already guaranteed under tables and rules previously in force would be in excess of the amount to be calculated under the tables and rules contained in the second schedule the higher amount shall be allowed and guaranteed.

Calculation of future and existing pensions.

(ii) All pensions accruing after the commencement of this Enactment in respect of increments of salary of existing public officers and in respect of original salary and increments of salary of future public officers shall be calculated according to the tables and rules contained in the second schedule.

(iii) In the case of contributions made in the manner provided in Section 4 for officers holding or having held posts the salary of which is on a sterling basis, such contributions shall for the purpose of calculating pensions be deemed to be fixed sterling contributions and the pensions shall accordingly be fixed and payable in sterling

Pensions how to be paid in case of sterling salaries.

or if paid in the Federated Malay States shall be converted into dollars at the rate annually or periodically fixed by the Government for the payment in the Federated Malay States of officers' salaries or pensions.

Results of  
actuarial valua-  
tion under  
repealed law.

19. On the completion of the valuation made in pursuance of Section 17 of the Widows' and Orphans' Pension Enactments, 1905, of the assets and liabilities of the Fund referred to in the said section the whole surplus if any disclosed by such valuation shall be applied in increasing the prospective pensions of the widows and orphans of the contributors to the said Fund at the date of valuation and of former contributors who have ceased to contribute on attaining the age of sixty-five or on leaving the service and the existing pensions of the widows and orphans of those who have died since the 31st December, 1900, in such shares and proportions as shall be recommended by the Actuary, having due regard to the principles laid down in this Enactment, account being taken in such division of the surplus of the fact that under the proviso contained in the first sub-section of the last preceding section certain pensions will have been fixed at a higher rate than is provided for by the tables and rules contained in the second schedule.

When widow  
not entitled to  
pension.

20. (i) No widow whose marriage was contracted after her husband has completed his thirty-five years of contribution or has attained the age of sixty-five or has retired on a pension and no issue of such marriage and

(ii) No widow whose husband dies within twelve calendar months of the marriage without issue of such marriage born in his lifetime or in due time after his death

shall be entitled to any pension under this Enactment.

Provided always that the Chief Secretary to Government may, if he shall think fit, allow to such last-mentioned widow all or any part of the pension to which she would have been entitled but for the provisions of the last preceding sub-section.

Pension when  
to commence.

21. The pension payable to a widow or child or children under this Enactment shall commence upon the death of the husband or father or mother, as the case may be, shall accrue daily, and shall be payable monthly free from any deduction.

When widow's  
pension ceases.

22. A widow's pension shall cease on her death or re-marriage or on her becoming a bankrupt. When a widow's pension ceases in her lifetime, she shall for the purposes of this Enactment be deemed to have died at the time of such cesser; provided always that if a widow's pension ceases in her lifetime by reason of her bankruptcy the Chief Secretary to Government may from time to time during the remainder of her life, or during such shorter period or periods either continuous or otherwise as he shall think fit, direct the payment of all or any part of so much (if any) of the said pension as is not for the time being payable to any child or children of such widow or of any husband of hers under the provisions of this Enactment to, or apply the same for the maintenance and personal support or benefit of, such widow in such manner as he shall from time to time think proper.

**23.** Children's pensions shall cease in the case of a male on his attaining the age of eighteen years and in the case of a female on her attaining the age of twenty-one years or marrying under that age.

When children's pensions cease.

**24.** If a contributor dies leaving a widow but no child of a pensionable age by a previous marriage, the widow shall be entitled to receive a pension calculated according to the tables and rules applicable to her case under this Enactment.

Where widow left but no child by previous marriage.

**25.** If a contributor dies leaving no widow but a child or children of a pensionable age by one marriage, such child or children shall be entitled to receive the pension which his or their mother would have been entitled to if she had survived the contributor.

Where no widow left but child by one marriage.

**26.** If a contributor dies leaving no widow but children of pensionable age by two or more marriages, the child or children of each marriage shall be entitled to receive one-half, one-third, or one-quarter (as the case may be) of the pension which his or their mother would have been entitled to if she had survived the contributor and there had been no child by any other marriage.

Where no widow left but children by several marriages.

**27.** If a contributor dies leaving a widow and also a child or children of pensionable age by one previous marriage—

Where widow left and child by previous marriage.

(i) The widow shall be entitled to receive one-half of the pension which she would have been entitled to receive if there had been no such child or children ; and

(ii) Such child or children shall be entitled to receive one-half of the pension which his or their mother would have been entitled to if she had survived the contributor.

**28.** If a contributor dies leaving a widow and children of pensionable age by two or more marriages—

Where widow left and children by several marriages.

(i) The widow shall be entitled to receive one-third or one-quarter (as the case may be) of the pension which she would have received if there had been no child by a previous marriage ;

(ii) The child or children of each previous marriage shall be entitled to receive one-third or one-quarter (as the case may be) of the pension which his or their mother would have been entitled to if she had survived the contributor and there had been no child by any other marriage.

**29.** When the widow of a contributor ceases to be entitled to a pension, the child or children of a contributor shall be entitled to receive the pension which he or they would have been entitled to receive if such widow had predeceased the contributor.

Interest of children when widow's interest ceases.

**30.** If any child dies or ceases to be of pensionable age, the surviving children of the same marriage shall be entitled to receive the pension to which they would have been entitled if such child had predeceased the contributor.

Interest of other children, when child's interest ceases.

Interest of others when interest of all children of a marriage ceases.

**31.** When all the children of any marriage cease to be of pensionable age, then the person or persons entitled under the preceding sections shall be entitled to receive the pension which he or they would have been entitled to receive if there had been no child of such marriage of pensionable age living at the death of the contributor.

Children share equally.

**32.** Where children of any marriage are entitled to any pension, they shall take the same in equal shares.

What proof to be produced before payment of pension.

**33.** Widows and children claiming to be entitled to pension under this Enactment and residing out of the Federated Malay States must from time to time produce such proof as the Directors may require of their being alive and entitled to pension and the payment of any pension may be refused until such proof is furnished to the satisfaction of the Directors.

Discretion as to payment of minor's pensions.

**34.** (1) In all cases where under this Enactment the parties entitled to pensions are minors such pensions may on order of the Directors be paid either to the legal guardian or guardians of such minors or to such minors or to such person or persons as the Directors may in their absolute discretion think fit and proper persons to apply the same for the benefit of such minors and after payment the Directors and the Government shall be free from all responsibility in respect of such payment.

(ii) In the case of any pension which is paid through the Crown Agents for the Colonies the power given by sub-section (i) to the Directors may be exercised by the Crown Agents.

Pension not to be assigned or levied upon.

**35.** No pension payable under this Enactment nor the rights of any contributor acquired thereunder shall be assignable or transferable or liable to be attached, sequestrated, or levied upon for or in respect of any debt or claim whatsoever.

Questions and disputes to be decided by the Chief Secretary to Government.

**36.** All questions and disputes as to who is entitled to be deemed a contributor or as to the right of a widow or child to a pension or as to the amount of such pension or as to the rights or liabilities of any person under this Enactment shall be referred by the Directors to the Chief Secretary to Government whose decision shall be binding and conclusive on all parties and shall be final to all intents and purposes and shall not be subject to appeal or be questioned or revised by any court of justice.

Limit of compulsory contribution.

**37.** No person contributing at the commencement of this Enactment shall be required to pay any higher contribution than such as would entitle his widow or children to a pension of \$1,500 or £225 per annum, provided that every such person may, if he wishes, contribute the full four per cent. of his salary or pension referred to in Section 4 and Section 6.

Rules.

**38.** The Chief Secretary to Government may from time to time frame rules not inconsistent herewith for the proper carrying out of the provisions of this Enactment.



FIRST SCHEDULE.  
ENACTMENTS REPEALED.

State.	No. and year.	Short title.
Perak ..	17 of 1905	The Widows' and Orphans' Pension Enactment, 1905
Selangor ..	13 of 1905	Do.
Negri Sembilan	13 of 1905	Do.
Pahang ..	11 of 1905	Do.
Perak ..	2 of 1908	The Widows' and Orphans' Pension Enactment, 1905, Amendment Enactment, 1908
Selangor ..	3 of 1908	Do.
Negri Sembilan	3 of 1908	Do.
Pahang ..	5 of 1908	Do.

SECOND SCHEDULE.

SYNOPSIS OF RULES.

A.—PUBLIC OFFICER WHO COMMENCED TO CONTRIBUTE  
WHILE A BACHELOR.

I.—FIRST WIFE'S PROSPECTIVE PENSION.

- (A) PENSION IN CONSIDERATION OF THE CONTRIBUTIONS PAID DURING BACHELORHOOD.
- (B) PENSION IN CONSIDERATION OF THE ANNUAL CONTRIBUTION CURRENT AT THE DATE OF MARRIAGE.
- (C) VARIATIONS OF PENSION CONSEQUENT ON INCREMENTS TO, AND DECREMENTS FROM, THE CURRENT ANNUAL CONTRIBUTION WHILE THE CONTRIBUTOR IS MARRIED TO HIS FIRST WIFE.

Calculation  
of registered  
pensions.

II.—SECOND, AND SUBSEQUENT, WIFE'S PROSPECTIVE PENSION.

- (A) VARIATIONS OF PENSION CONSEQUENT ON INCREMENTS TO, AND DECREMENTS FROM, THE CURRENT ANNUAL CONTRIBUTION WHILE THE CONTRIBUTOR IS A WIDOWER.
- (B) VARIATIONS OF PENSION CONSEQUENT ON THE REMARRIAGE OF THE CONTRIBUTOR.
- (C) VARIATIONS OF PENSION CONSEQUENT ON INCREMENTS TO, AND DECREMENTS FROM, THE CURRENT ANNUAL CONTRIBUTION WHILE THE CONTRIBUTOR IS MARRIED TO HIS SECOND, OR SUBSEQUENT, WIFE.

B.—PUBLIC OFFICER WHO COMMENCED TO CONTRIBUTE WHILE MARRIED.

III.—FIRST WIFE'S PROSPECTIVE PENSION.

- (A) PENSION IN CONSIDERATION OF THE ANNUAL CONTRIBUTION CURRENT AT THE DATE OF COMMENCEMENT OF THE CONTRIBUTION.
- (B) VARIATIONS OF PENSION CONSEQUENT ON INCREMENTS TO, AND DECREMENTS FROM, THE CURRENT ANNUAL CONTRIBUTION WHILE THE CONTRIBUTOR IS MARRIED TO HIS FIRST WIFE.

IV.—SECOND, AND SUBSEQUENT, WIFE'S PROSPECTIVE PENSION.

- (A) VARIATIONS OF PENSION CONSEQUENT ON INCREMENTS TO, AND DECREMENTS FROM, THE CURRENT ANNUAL CONTRIBUTION WHILE THE CONTRIBUTOR IS A WIDOWER.
- (B) VARIATIONS OF PENSION CONSEQUENT ON THE REMARRIAGE OF THE CONTRIBUTOR.
- (C) VARIATIONS OF PENSION CONSEQUENT ON INCREMENTS TO, AND DECREMENTS FROM, THE CURRENT ANNUAL CONTRIBUTION WHILE THE CONTRIBUTOR IS MARRIED TO HIS SECOND, OR SUBSEQUENT, WIFE.

C.—PUBLIC OFFICER WHO COMMENCED TO CONTRIBUTE WHILE A WIDOWER.

V.—SECOND, AND SUBSEQUENT, WIFE'S PROSPECTIVE PENSION.

D.—PENSIONS TO ORPHAN CHILDREN.

VI.—ORPHANS' PENSIONS AT DEATH OF WIDOWER CONTRIBUTOR.

- (A) CASE WHERE THE ORPHANS ARE THE ISSUE OF THE SAME WIFE.
- (B) CASE WHERE THE ORPHANS ARE THE ISSUE OF DIFFERENT WIVES.

## VII.—ORPHANS' PENSIONS AT DEATH OR RE-MARRIAGE OF WIDOW.

## VIII.—ORPHANS' PENSIONS AT DEATH OF MARRIED CONTRIBUTOR.

E.—PUBLIC OFFICER TRANSFERRED TO EMPLOYMENT UNDER THE CROWN OF GREAT BRITAIN OR UNDER THE GOVERNMENT OF A MALAY STATE OTHER THAN ONE OF THE FEDERATED MALAY STATES.

F.—CALCULATION OF QUANTITIES (OR TABULAR RESULTS) FOR AGES NOT GIVEN IN THE TABLES.

## A TO C.—CALCULATION OF REGISTERED PENSIONS.

The calculation of the amount of the pension that will or may become payable at the death of a contributor should not be delayed until such death has actually occurred: but a register should be kept in which full particulars respecting each contributor should be entered, and in this register should be recorded against every married and widower contributor the amount of the pension which would become payable should he die immediately, leaving a widow or orphans entitled to such pension. The amount of the pension per annum so entered in the register against a contributor, or in other words, his "registered pension" should be calculated (and recalculated as often as may be necessary) in accordance with the following rules:

## A.—PUBLIC OFFICER WHO COMMENCED TO CONTRIBUTE WHILE A BACHELOR.

NOTE.—No registered pension is to be recorded unless and until the bachelor contributor marries.

## I.—FIRST WIFE'S PROSPECTIVE PENSION.

NOTE.—The registered pension to be recorded on marriage is found by adding together the two amounts calculated in accordance with the following Rules I (a) and I (b), respectively.

## (A) PENSION IN CONSIDERATION OF THE CONTRIBUTIONS PAID DURING BACHELORHOOD.

RULE I. (a) Accumulate the contributions at 6 per cent. compound interest, with yearly rests at each 31st December, and multiply the result by

the quantity found from Table A corresponding to the respective ages next birthday of the husband and wife at the date of marriage.

The product gives the registered pension on account of the contributions paid during bachelorhood.

(B) PENSION IN CONSIDERATION OF THE ANNUAL CONTRIBUTION CURRENT AT THE DATE OF MARRIAGE.

NOTE.—The amount of the current annual contribution is obtained by multiplying by 12 the amount of the last monthly contribution.

RULE I. (b) Turn to the section of Table B which contains in the heading the age of the husband at the date of completion of his period of contribution; and multiply the amount of the current annual contribution by the quantity found from that section corresponding to the respective ages next birthday of the husband and wife at the date of marriage.

The product gives the registered pension on account of the annual contribution current at the date of marriage.

EXAMPLE of the application of Rules I (a) and I (b).

Officer born on . . . . .	31st July, 1878
„ commenced to contribute on . . . . .	1st April, 1904
„ married on . . . . .	30th June, 1908
Annual contribution, 1st April, 1904, to 31st December, 1906	\$20
Annual contribution, 1st Jan., 1907, to date of marriage . .	\$30
Date of completion of contribution period . . . . .	1st April, 1939
Wife born on . . . . .	31st August, 1888
Officer's age next birthday at date of marriage . . . . .	30
Officer's age next birthday at completion of contribution period . . . . .	61
Wife's age next birthday at date of marriage . . . . .	20

APPLICATION OF RULE I (a).

Accumulations of contributions paid during bachelorhood:				
Contributions from 1st April to 31st December, 1904 . . . . .	\$	15.00		
Contributions during 1905 . . . . .		20.00		
One year's interest at 6 per cent. on \$15 . . . . .		.90		
				35.90

<i>Brought forward</i> ..	\$ 35.90
Contributions during 1906 .. ..	20.00
One year's interest at 6 per cent. on \$35.90 .. .. .	2.15
	<hr/>
	58.05
Contributions during 1907 .. ..	30.00
One year's interest at 6 per cent. on \$58.05 .. .. .	3.48
	<hr/>
	91.53
Contributions from 1st January to 30th June, 1908 .. .. .	15.00
Half-year's interest at 6 per cent. on \$91.53 .. .. .	2.75
	<hr/>
Total accumulation ..	\$109.28
Quantity found from Table A—Husband <sup>1</sup> 30 } Wife <sup>1</sup> 20 }	<hr/>
	346
	<hr/>

APPLICATION OF RULE I (*b*).

Annual contribution current at the date of marriage \$30.

Quantity found from Table B, section for officers aged 61  
next birthday at completion of period of contribution :

$$\left. \begin{array}{l} \text{Husband}^1 30 \\ \text{Wife}^1 20 \end{array} \right\} \dots 4.29$$

$\$30 \times 4.29 = \$128.70 =$  registered pension in consideration of annual contribution current at marriage.

TOTAL REGISTERED PENSION to be recorded on the  
bachelor contributor marrying :

By Rule I ( <i>a</i> ) .. .. .	\$ 37.81
„ „ ( <i>b</i> ) .. .. .	128.70
	<hr/>
Total ..	\$166.51
	<hr/>

(c) VARIATIONS OF PENSION CONSEQUENT ON INCREMENTS  
TO. AND DECREMENTS FROM, THE CURRENT ANNUAL  
CONTRIBUTION WHILE THE CONTRIBUTOR IS MARRIED  
TO HIS FIRST WIFE.

NOTE.—The cessation of the contribution from any cause before the completion of the full period of contribution must be regarded as a decrement from the current annual contribution equal to the amount of such current annual contribution.

<sup>1</sup> NOTE.—Where the ages are not given in the Tables, proceed as illustrated in the general examples given on pages 715, 716, and 717.

RULE I (c) Turn to the section of Table B which contains in the heading the age of the husband at the date of completion of his period of contribution : and multiply the amount of the increment to, or the decrement from, the current annual contribution by the quantity found from that section corresponding to the respective ages next birthday of the husband and wife at the date of the variation of the contribution.

The product gives the amount to be added to the registered pension consequent on the increment to the current annual contribution, or as the case may be, the amount to be deducted from the registered pension consequent on the decrement from the current annual contribution.

EXAMPLE of the application of Rule I (c).

Assume particulars as in the example subjoined to Rules I (a) and I (b).

Annual contribution increased on 31st May,  
1913, from \$30 to .. .. . \$50  
Annual contribution decreased on 30th April,  
1918, from \$50 to .. .. . \$40  
Annual contribution ceased on 31st March, 1923

31st May, 1913, increment to current annual contribution.. .. . \$20

Quantity found from Table B, section for officers aged 61 next birthday at completion of period of contribution—

Husband	35	} .. 3.56
Wife	25	

$\$20 \times 3.56 = \$71.20$  = amount to be added to the registered pension.

Registered pension at marriage, <i>see</i> example subjoined to Rules I (a) and I (b)	..	\$166.51
Add .. .. .	..	71.20
Registered pension at 31st May, 1913	..	<u>\$237.71</u>

30th April, 1918, decrement from current annual contribution .. .. . \$10

Quantity found from Table B, section for officers aged 61 next birthday at completion of period of contribution :

Husband	40	}	..	2.91
Wife	30			

$\$10 \times 2.91 = \$29.10$  = amount to be deducted from the registered pension.

Registered pension at 31st May, 1913, as above	..	..	..	..	..	\$237.71
<i>Deduct</i>	..	..	..	..	..	29.10
						<hr/>
Registered pension at 30th April, 1918	..					\$208.61
						<hr/>

31st March, 1923, cessation of contribution regarded as a decrement from current annual contribution .. \$40

Quantity found from Table B, section for officers aged 61 next birthday at completion of period for contribution :

Husband	45	}	..	2.30
Wife	35			

$\$40 \times 2.30 = \$92$  = amount to be deducted from the registered pension.

Registered pension at 30th April, 1918, as above	..	..	..	..	..	\$208.61
<i>Deduct</i>	..	..	..	..	..	92.00
						<hr/>
Registered pension at 31st March, 1923..						\$116.61
						<hr/>

## II.—SECOND, AND SUBSEQUENT, WIFE'S PROSPECTIVE PENSION.

(A) VARIATIONS OF PENSION CONSEQUENT ON INCREMENTS TO, AND DECREMENTS FROM, THE CURRENT ANNUAL CONTRIBUTION WHILE THE CONTRIBUTOR IS A WIDOWER.

RULE II (a) Assume that the contributor is married to a wife of the age that his last preceding wife would have been had she survived to the date of the variation of the contribution, and proceed in accordance with Rule I (c).

EXAMPLE of the application of Rule II (a).

If the particulars be as in the example subjoined to Rule I (c), except that the first wife, who was born on 31st August, 1888, died on 30th November, 1908, it would be assumed that the contributor was at the date of each of the three variations of the contribution married to a wife who was born on the 31st August, 1888. The calculations will then be identical with those given in the example subjoined to Rule I (c).

(B) VARIATIONS OF PENSION CONSEQUENT ON THE RE-MARRIAGE OF THE CONTRIBUTOR.

NOTE.—No variation of the registered pension is to be recorded if the second, or subsequent, wife was at the date of the re-marriage *of the same age next birthday* as the last preceding wife would have been had she survived to that date.

RULE II (b) If the second, or subsequent, wife was at the date of the re-marriage *of a less or greater age next birthday than* the last preceding wife would have been had she survived to that date, multiply the amount of the registered pension by the quantity found from Table C corresponding to the age next birthday of the husband at the date of re-marriage, and the age next birthday which the last preceding wife would have attained had she survived to that date; multiply the product so obtained by the quantity found from Table A corresponding to the respective ages of the husband and of the second, or subsequent, wife at the date of the re-marriage.

The result gives the registered pension to be recorded on the re-marriage of the contributor.

EXAMPLE of the application of Rule II (b).

Assume particulars as in the example subjoined to Rules I (a) and I (b).

First wife died on	.. ..	30th Nov., 1908
Contributor re-married on	.. ..	31st Jan., 1913
Contributor's age next birthday		
at date of re-marriage	.. ..	35
Second wife born on	.. ..	30th June, 1893
Second wife's age next birthday		
at date of the re-marriage	.. ..	20
Age next birthday which the		
first wife would have attained		
had she survived to date of		
the re-marriage	.. ..	25



31st January, 1913.—The second wife being of a less age next birthday at the date of the re-marriage than the first wife would have been had she survived, the registered pension \$166.51 [*see* example subjoined to Rules I (a) and I (b)] is to be recalculated.

Quantity found from Table C :

$$\begin{array}{rcl} \text{Husband} & 35 & \} \\ \text{Wife} & 25 & \} \dots 3.224 \end{array}$$

Quantity found from Table A :

$$\begin{array}{rcl} \text{Husband} & 35 & \} \\ \text{Wife} & 20 & \} \dots .293 \end{array}$$

$$\$166.51 \times 3.224 = \$536.83$$

$$\$536.83 \times .293 = \$157.29 = \text{registered pension at 31st January, 1913.}$$

(c) VARIATIONS OF PENSION CONSEQUENT ON INCREMENTS TO, AND DECREMENTS FROM, THE CURRENT ANNUAL CONTRIBUTION WHILE THE CONTRIBUTOR IS MARRIED TO HIS SECOND, OR SUBSEQUENT, WIFE.

RULE II (c) Proceed as in Rule I (c).

B.—PUBLIC OFFICER WHO COMMENCED TO CONTRIBUTE WHILE MARRIED.

### III.—FIRST WIFE'S PROSPECTIVE PENSION.

NOTE.—In every case of a public officer who commenced to contribute while married, the wife at the date of commencement of the contribution is to be considered as the officer's first wife, and no particulars are to be recorded respecting any former wife to whom he may have been married, unless there is issue of such former wife of a pensionable age (*see* D.—Pensions to orphan children).

(A) PENSION IN CONSIDERATION OF THE ANNUAL CONTRIBUTION CURRENT AT THE DATE OF COMMENCEMENT OF THE CONTRIBUTION.

RULE III (a) Turn to the section of Table B which contains in the heading the age of the husband at the date of completion of his period of contribution; and multiply the amount of the current annual contribution by the quantity found from that section corresponding to the respective ages next birthday of the husband and wife at the date of the commencement of the contribution.

The product gives the registered pension on account of the annual contribution current at the date of commencement of the contribution.

EXAMPLE of the application of Rule III (a).

Officer born on .. .. .	31st Aug., 1870
„ married on .. . . .	30th June, 1899
„ commenced to contribute on .. .. .	31st July, 1910
Annual contribution current on 31st July, 1910 • .. . .	\$100
Date of completion of contribution period .. .. .	31st Aug., 1935
Wife born on .. .. .	31st Oct., 1880
Officer's age next birthday on 31st July, 1910 .. .. .	40
Officer's age at completion of contribution period .. . .	65
Wife's age next birthday on 31st July, 1910 .. .. .	30
31st July, 1910, current annual contribution .. .. .	\$100

Quantity found from Table B, section for officers aged 65 next birthday at completion of period of contribution :

$$\begin{array}{r} \text{Husband } 40 \\ \text{Wife } 30 \end{array} \} \dots 3\cdot07$$

$\$100 \times 3\cdot07 = \$307 =$  registered pension in consideration of annual contribution current at commencement of contribution.

(B) VARIATIONS OF PENSION CONSEQUENT ON INCREMENTS TO, AND DECREMENTS FROM, THE CURRENT ANNUAL CONTRIBUTION WHILE THE CONTRIBUTOR IS MARRIED TO HIS FIRST WIFE.

RULE III (b) Proceed as in Rule I (c).

IV.—SECOND, AND SUBSEQUENT, WIFE'S PROSPECTIVE PENSION.

(A) VARIATIONS OF PENSION CONSEQUENT ON INCREMENTS TO, AND DECREMENTS FROM, THE CURRENT ANNUAL CONTRIBUTION WHILE THE CONTRIBUTOR IS A WIDOWER.

RULE IV (a) Proceed as in Rule II (a).

(B) VARIATIONS OF PENSION CONSEQUENT ON THE REMARRIAGE TO THE CONTRIBUTOR.

RULE IV (b) Proceed as in Rule II (b).

(C) VARIATIONS OF PENSION CONSEQUENT ON INCREMENTS TO, AND DECREMENTS FROM, THE CURRENT ANNUAL CONTRIBUTION WHILE THE CONTRIBUTOR IS MARRIED TO HIS SECOND, OR SUBSEQUENT, WIFE.

RULE IV (c) Proceed as in Rule I (c).

## C.—PUBLIC OFFICER WHO COMMENCED TO CONTRIBUTE WHILE A WIDOWER.

## V.—SECOND, AND SUBSEQUENT, WIFE'S PROSPECTIVE PENSION.

RULE V. For the purpose of calculating the registered pension assume that the deceased wife survived to the date of commencement of the contribution and died immediately afterwards ; then proceed in accordance with the rules applicable to the case of officers who commenced to contribute while married (*see* B).

## D.—PENSIONS TO ORPHAN CHILDREN.

## VI.—ORPHANS' PENSIONS AT DEATH OF WIDOWER CONTRIBUTOR.

## (A) CASE WHERE THE ORPHANS ARE THE ISSUE OF THE SAME WIFE.

RULE VI (a) Divide the amount of the registered pension of the widower contributor equally among the children entitled for the time being.

EXAMPLE of the application of Rule VI (a).

Registered pension of widower contributor at his death \$150 p.a.  
Children entitled on his death :

Spinster daughter aged	..	..	..	19
Son aged	..	..	..	14
„	..	..	..	12

Each of the three children will take a pension of \$50 per annum.

If the spinster daughter marry at the age of twenty the two sons will each take a pension of \$75 per annum.

If the younger son subsequently die at the age of 15 the elder son will take the full pension of \$150 per annum.

## (B) CASE WHERE THE ORPHANS ARE THE ISSUE OF DIFFERENT WIVES.

NOTE.—The rules here given provide for the case of two wives only.

RULE VI (b) (1) Divide equally among such of the children of the first wife as may be entitled for the time being *one moiety* of the pension which the first wife would have received had she survived the contributor ;

(2) Divide equally among such of the children of the second wife as may be entitled for the time being *one moiety* of the pension which the second wife would have received had she survived the contributor, and had there been no issue of the first wife entitled to pension ;

- (3) So soon as all the children of either the first wife or the second wife have ceased to be entitled to pension, divide equally among such of the children of the other wife as may be entitled for the time being *the whole* of the pension which such other wife would have received had she survived the contributor, and had there been no issue of the first wife entitled to pension.

#### VII.—ORPHANS' PENSIONS AT DEATH OR RE-MARRIAGE OF WIDOW.

RULE VII Divide the amount of the widow's pension equally among her children entitled for the time being.

EXAMPLE of the application of Rule VII.

Amount of widow's pension at her death or re-marriage—\$150 per annum.

Children entitled at her death :

Assuming the particulars as in the example subjoined to Rule VI (a) proceed as therein indicated.

#### VIII.—ORPHANS' PENSIONS AT DEATH OF MARRIED CONTRIBUTOR.

RULE VIII.—In the case where a contributor dies leaving a widow, and also children the issue of a previous marriage, divide equally among such of the children of the first wife as may be entitled for the time being *one moiety* of the pension which the first wife would have received had she survived the contributor. On the widow's pension ceasing, divide equally among such of the children of the first wife as may be entitled for the time being *the whole* of the pension which the first wife would have received had she survived the contributor.

NOTE.—In this case, so long as the children of the first wife are entitled to pension, the widow's pension is *one moiety* of that which she would have received had there been no such children.

#### E.—PUBLIC OFFICER TRANSFERRED TO EMPLOYMENT UNDER THE CROWN OF GREAT BRITAIN OR UNDER THE GOVERNMENT OF A MALAY STATE OTHER THAN ONE OF THE FEDERATED MALAY STATES.

Throughout these rules and examples the calculations depend, not on the official income of the contributor, but on the amount of

his contribution to the Fund, so that the transfer of a public officer to another service does not affect his registered pension unless the amount of his current annual contribution is varied, in which case the proper adjustment is to be made in accordance with the preceding rules.

F.—CALCULATION OF QUANTITIES (OR TABULAR RESULTS)  
FOR AGES NOT GIVEN IN THE TABLES.

TABLE A.—The quantities are given for every age of the husband from 15 to 64; and for every fifth age of the wife from 15 to 65. Ages of husbands and wives below or beyond are to be treated as the youngest and oldest ages given respectively.

For the intermediate ages of wives, interpolate by first differences, as follows :

To find the quantity corresponding to the ages of a husband and wife aged, respectively, 35 and 27 next birthday.

The quantity for ages 35 and 25 given in the Table is .310  
 " " 35 " 30 " " .332

So that the addition of five years to the age of the wife results in an addition of .022 to the quantity given in the Table for ages 35 and 25.

An addition of two years to the age of the wife accordingly results by proportion in an addition of two-fifths of .022 to the quantity given in the Table for ages 35 and 25.

Two-fifths of  $\cdot022 = \cdot009$ , which added to  $\cdot310$  gives  $\cdot319$ , which is the required quantity corresponding to ages 35 and 27.

TABLE B.—This Table is divided into eleven sections, respectively, applicable to officers who will be aged next birthday 55, 56, 57 . . . up to 65, when they complete their period of contribution. Care should in all cases be taken to turn to the section which contains in the heading the age of the husband at the date of completion of his period of contribution.

In each section the quantities are given for 35 consecutive ages of the husband, terminating at the age preceding that at which the contribution ceases, and for every fifth age of the wife from 15 to 65.

Ages of the wife below or beyond are to be treated as the youngest and oldest ages given, respectively. For the intermediate ages of wives interpolate by first differences as explained above. Thus, the quantity found from the first section of the Table (age 55) corresponding to the ages of a husband and wife aged, respectively, 45 and 38 next birthday is three-fifths of  $\cdot 17$ , added to  $1\cdot 78$ , which gives  $1\cdot 88$ .

For officers who commence to contribute at an earlier age than 20 next birthday the method of calculation given in the subjoined examples is to be followed :

EXAMPLE (1). An officer aged 17 next birthday, having a wife aged 15 next birthday, commences to contribute. Assume that the officer is aged 20 next birthday, so that the quantity found from Table B will be  $6\cdot 05$ .

This officer receives an increment of salary at age 22 next birthday, when his wife's age is 20. Assume that his age is 25 next birthday—*i.e.*, his actual age 22—plus the difference between his actual age at entry and 20, which is three years. The quantity found from Table B will be  $5\cdot 16$ .

EXAMPLE (2). An officer aged 19 next birthday commences to contribute as a bachelor, and five years later, when aged 24 next birthday, marries; his wife's age being 20 next birthday. The quantity found from Table A in accordance with Rule 1 (*a*) will be taken for the actual ages (husband 24 and wife 20) and will be  $\cdot 422$ . With respect to the current annual contribution at marriage, assume that the officer's age is 25 (his actual age plus one) so that the quantity found from Table B will be  $5\cdot 16$ .

This officer receives an increment of salary when aged 39, when his wife's age is 35. Assume as before that the ages are 40 and 35, respectively, so that the quantity found from Table B will be  $2\cdot 72$ .

NOTE.—It will be observed that this method takes account of the actual number of years for which the annual contribution will run. In example (1), when the officer receives the increment of salary at age 22 he has contributed for five years, so that at the expiration of 30 years his contributions will cease. Similarly, in example (2), when the officer marries at age 24, he also has contributed for five years, so that although he is two years older than the officer in example (1), yet the unexpired period of contribution is the same in each case, and the wife's age is in each instance 20, so that no important error is involved in using the same tabular quantity for the two cases.

TABLE C.—The quantities are given for the same ages as in Table A. Ages of husbands and wives below and beyond are to be treated as in using that Table.

For the intermediate ages of wives interpolate by first differences as explained above, except that it must be noted that in this Table an addition to the age of the wife results in a *deduction* from the quantity given in the Table.

To find the quantity corresponding to the ages of a husband and wife aged, respectively, 35 and 27 next birthday.

The quantity for ages 35 and 25 given in the Table is 3·224

„ „ 35 „ 30 „ „ 3·010

So that the addition of five years to the age of the wife results in a deduction of ·214 from the quantity given in the Table for ages 35 and 25.

An addition of two years to the age of the wife accordingly results by proportion in a deduction of two-fifths of ·214 from the quantity given in the Table for ages 35 and 25.

Two-fifths of ·214 = ·086, which deducted from 3·224 leaves 3·138, which is the required quantity corresponding to ages 35 and 27.

## TABLES FOR CALCULATING PENSIONS TO WIDOWS AND ORPHAN CHILDREN OF PUBLIC OFFICERS.

TABLE A.

The Yearly Pension, payable by Monthly Instalments, which a Single Contribution of 1 will secure.

Age of husband next birthday.		Age of wife next birthday.										Age of husband next birthday.	
15	20	25	30	35	40	45	50	55	60	65			
15	.551	.588	.633	.689	.759	.849	.973	1.139	1.364	1.667	15		
16	.536	.572	.616	.671	.740	.829	.948	1.107	1.325	1.626	16		
17	.521	.556	.600	.653	.720	.808	.923	1.076	1.285	1.585	17		
18	.506	.541	.583	.635	.701	.786	.897	1.046	1.247	1.541	18		
19	.492	.525	.566	.617	.681	.765	.872	1.015	1.211	1.493	19		
20	.477	.509	.549	.599	.662	.742	.847	.985	1.174	1.443	20		
21	.463	.494	.532	.580	.642	.720	.822	.956	1.138	1.395	21		
22	.449	.479	.516	.562	.623	.699	.797	.927	1.103	1.350	22		
23	.435	.464	.500	.545	.603	.677	.772	.898	1.068	1.304	23		
24	.422	.449	.484	.527	.583	.656	.748	.870	1.034	1.259	24		
25	.408	.434	.468	.510	.564	.634	.724	.842	1.001	1.214	25		
26	.395	.420	.452	.493	.545	.613	.701	.816	.968	1.170	26		
27	.382	.407	.437	.476	.527	.593	.678	.789	.936	1.127	27		
28	.370	.393	.423	.460	.509	.573	.656	.763	.906	1.087	28		
29	.358	.380	.408	.444	.492	.553	.634	.739	.876	1.048	29		
30	.346	.367	.394	.429	.475	.534	.612	.714	.846	1.011	30		
31	.334	.355	.381	.414	.458	.515	.591	.691	.818	.975	31		
32	.323	.343	.368	.400	.442	.498	.571	.668	.791	.940	32		
33	.313	.332	.356	.386	.427	.480	.551	.645	.764	.907	33		
34	.302	.321	.344	.373	.412	.464	.532	.623	.739	.876	34		



35	.279	.293	.310	.332	.360	.398	.448	.514	.602	.714	.847
36	.271	.283	.300	.321	.348	.385	.432	.497	.581	.690	.820
37	.262	.274	.290	.311	.337	.372	.418	.480	.561	.666	.794
38	.254	.265	.281	.300	.326	.360	.404	.464	.542	.644	.769
39	.246	.257	.271	.290	.315	.347	.390	.448	.524	.623	.745
40	.239	.249	.263	.281	.304	.335	.376	.432	.506	.602	.722
41	.231	.241	.254	.271	.294	.324	.363	.417	.489	.583	.700
42	.224	.234	.246	.263	.284	.313	.350	.402	.473	.564	.679
43	.218	.227	.238	.254	.275	.302	.338	.389	.457	.546	.659
44	.211	.220	.231	.246	.266	.292	.326	.375	.441	.529	.639
45	.205	.213	.224	.238	.257	.282	.315	.362	.426	.511	.620
46	.199	.207	.217	.230	.248	.272	.305	.350	.412	.494	.600
47	.193	.201	.210	.223	.240	.263	.295	.339	.398	.478	.581
48	.188	.195	.204	.216	.232	.255	.285	.327	.385	.462	.563
49	.182	.189	.198	.210	.225	.246	.276	.317	.372	.447	.546
50	.177	.184	.192	.203	.218	.238	.267	.306	.360	.433	.530
51	.172	.179	.187	.197	.211	.231	.258	.296	.348	.419	.515
52	.168	.174	.182	.191	.205	.224	.250	.286	.337	.406	.500
53	.163	.169	.177	.186	.198	.217	.242	.277	.326	.393	.486
54	.159	.165	.172	.180	.193	.210	.234	.268	.316	.382	.473
55	.154	.160	.167	.175	.187	.204	.227	.260	.306	.371	.461
56	.150	.156	.163	.171	.182	.198	.220	.252	.297	.361	.449
57	.147	.152	.159	.166	.177	.192	.214	.245	.289	.352	.438
58	.143	.148	.154	.162	.172	.187	.207	.238	.281	.343	.428
59	.139	.145	.151	.158	.168	.182	.202	.231	.274	.335	.418
60	.136	.141	.147	.154	.164	.177	.196	.225	.267	.327	.409
61	.133	.138	.143	.150	.160	.172	.191	.219	.261	.319	.400
62	.130	.134	.140	.147	.156	.168	.185	.213	.254	.311	.392
63	.127	.131	.137	.143	.152	.164	.180	.207	.247	.304	.385
64	.124	.128	.134	.140	.149	.160	.176	.202	.241	.297	.378

TABLE B.

This section of Table B is applicable only to the case of Officers who will be aged 55 next birthday when they complete their period of contribution.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution.

Age of husband next birthday.	Age of wife next birthday.										Age of husband next birthday.	
	15	20	25	30	35	40	45	50	55	60		65
20	6.05	6.38	6.81	7.35	8.01	8.86	9.93	11.33	13.18	15.70	19.31	20
21	5.81	6.13	6.54	7.06	7.69	8.51	9.53	10.88	12.66	15.07	18.49	21
22	5.57	5.88	6.27	6.77	7.37	8.16	9.14	10.44	12.14	14.45	17.68	22
23	5.34	5.64	6.01	6.48	7.06	7.81	8.76	10.00	11.63	13.84	16.89	23
24	5.11	5.40	5.75	6.20	6.75	7.47	8.38	9.57	11.13	13.24	16.11	24
25	4.89	5.16	5.49	5.92	6.45	7.13	8.01	9.15	10.64	12.65	15.34	25
26	4.67	4.93	5.24	5.65	6.15	6.80	7.65	8.74	10.16	12.07	14.59	26
27	4.46	4.70	4.99	5.38	5.86	6.48	7.29	8.33	9.69	11.50	13.87	27
28	4.25	4.48	4.75	5.12	5.57	6.17	6.94	7.93	9.24	10.95	13.17	28
29	4.05	4.26	4.52	4.86	5.29	5.86	6.59	7.54	8.79	10.42	12.49	29

30	3.85	4.05	4.29	4.61	5.02	5.56	6.25	7.16	8.35	9.90	11.83	30
31	3.66	3.84	4.07	4.37	4.76	5.27	5.92	6.78	7.92	9.40	11.19	31
32	3.47	3.64	3.86	4.14	4.50	4.99	5.60	6.42	7.50	8.91	10.58	32
33	3.29	3.45	3.66	3.92	4.25	4.71	5.29	6.07	7.10	8.43	9.99	33
34	3.11	3.26	3.46	3.70	4.01	4.44	4.99	5.73	6.70	7.96	9.43	34
35	2.93	3.08	3.26	3.49	3.78	4.18	4.70	5.40	6.32	7.50	8.89	35
36	2.76	2.90	3.07	3.28	3.56	3.93	4.42	5.07	5.94	7.05	8.37	36
37	2.60	2.73	2.88	3.08	3.34	3.69	4.15	4.76	5.58	6.62	7.87	37
38	2.44	2.56	2.70	2.89	3.13	3.45	3.88	4.46	5.22	6.20	7.39	38
39	2.29	2.39	2.53	2.70	2.92	3.22	3.62	4.16	4.87	5.79	6.92	39
40	2.14	2.23	2.36	2.52	2.72	3.00	3.37	3.87	4.53	5.39	6.47	40
41	1.99	2.07	2.19	2.34	2.52	2.78	3.12	3.59	4.20	5.00	6.02	41
42	1.84	1.92	2.03	2.16	2.33	2.57	2.88	3.31	3.88	4.62	5.58	42
43	1.70	1.77	1.87	1.98	2.14	2.36	2.64	3.04	3.56	4.25	5.14	43
44	1.56	1.62	1.71	1.81	1.96	2.15	2.41	2.77	3.25	3.89	4.71	44
45	1.42	1.47	1.55	1.64	1.78	1.95	2.18	2.50	2.94	3.53	4.28	45
46	1.28	1.32	1.39	1.47	1.60	1.75	1.95	2.23	2.64	3.17	3.85	46
47	1.14	1.17	1.23	1.31	1.42	1.55	1.73	1.97	2.34	2.82	3.43	47
48	1.00	1.03	1.08	1.15	1.24	1.35	1.51	1.72	2.05	2.47	3.01	48
49	0.86	0.89	0.93	0.99	1.06	1.16	1.30	1.48	1.76	2.12	2.59	49
50	0.72	0.75	0.79	0.83	0.89	0.97	1.09	1.25	1.47	1.77	2.17	50
51	0.59	0.61	0.64	0.67	0.72	0.79	0.88	1.01	1.18	1.42	1.75	51
52	0.45	0.46	0.48	0.51	0.54	0.59	0.66	0.76	0.89	1.08	1.33	52
53	0.30	0.31	0.33	0.34	0.36	0.40	0.45	0.51	0.60	0.72	0.89	53
54	0.15	0.16	0.17	0.17	0.19	0.20	0.23	0.26	0.30	0.37	0.45	54

TABLE B—(cont.)

This section of Table B is applicable only to the case of Officers who will be aged 56 next birthday when they complete their period of contribution.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution.

Age of husband next birthday.	Age of wife next birthday.										Age of husband next birthday.
	15	20	25	30	35	40	45	50	55	60	65
21	5.85	6.17	6.58	7.10	7.74	8.56	9.59	10.95	12.72	15.15	18.63
22	5.61	5.92	6.31	6.81	7.42	8.21	9.21	10.51	12.21	14.55	17.82
23	5.38	5.68	6.04	6.53	7.11	7.86	8.83	10.08	11.71	13.95	17.02
24	5.15	5.44	5.78	6.25	6.80	7.52	8.45	9.65	11.22	13.35	16.24
25	4.93	5.20	5.53	5.97	6.50	7.19	8.08	9.23	10.74	12.76	15.48
26	4.72	4.97	5.28	5.69	6.20	6.87	7.71	8.82	10.27	12.18	14.74
27	4.51	4.74	5.04	5.42	5.91	6.55	7.35	8.42	9.81	11.61	14.02
28	4.30	4.52	4.80	5.16	5.63	6.24	7.00	8.02	9.35	11.06	13.32
29	4.10	4.31	4.57	4.91	5.35	5.93	6.66	7.63	8.90	10.53	12.64
30	3.90	4.10	4.35	4.67	5.08	5.63	6.33	7.25	8.46	10.02	11.98

31	3.71	3.90	4.13	4.44	4.82	5.34	6.01	6.88	8.03	9.52	11.34	31
32	3.52	3.70	3.92	4.21	4.57	5.06	5.70	6.52	7.62	9.03	10.73	32
33	3.34	3.51	3.71	3.99	4.33	4.79	5.39	6.17	7.22	8.56	10.15	33
34	3.16	3.32	3.51	3.77	4.09	4.52	5.09	5.83	6.83	8.10	9.60	34
35	2.99	3.14	3.32	3.56	3.86	4.26	4.80	5.50	6.45	7.65	9.07	35
36	2.83	2.96	3.13	3.36	3.64	4.01	4.52	5.18	6.08	7.21	8.56	36
37	2.67	2.79	2.95	3.16	3.42	3.77	4.25	4.87	5.72	6.78	8.06	37
38	2.51	2.62	2.77	2.97	3.21	3.54	3.99	4.57	5.37	6.36	7.58	38
39	2.36	2.46	2.60	2.78	3.01	3.32	3.73	4.28	5.02	5.96	7.12	39
40	2.21	2.30	2.43	2.60	2.81	3.10	3.48	4.00	4.68	5.57	6.68	40
41	2.06	2.15	2.27	2.42	2.62	2.89	3.23	3.73	4.35	5.19	6.25	41
42	1.92	2.00	2.11	2.25	2.43	2.68	2.99	3.46	4.03	4.82	5.82	42
43	1.78	1.85	1.95	2.08	2.25	2.47	2.76	3.19	3.72	4.46	5.39	43
44	1.64	1.70	1.79	1.91	2.07	2.27	2.53	2.92	3.42	4.10	4.97	44
45	1.50	1.56	1.64	1.75	1.89	2.07	2.31	2.66	3.13	3.75	4.55	45
46	1.36	1.42	1.49	1.59	1.71	1.87	2.10	2.40	2.84	3.40	4.13	46
47	1.22	1.28	1.34	1.43	1.54	1.68	1.89	2.15	2.55	3.06	3.72	47
48	1.09	1.14	1.19	1.27	1.37	1.49	1.68	1.91	2.26	2.72	3.31	48
49	0.96	1.00	1.05	1.11	1.20	1.30	1.47	1.67	1.98	2.38	2.90	49
50	0.84	0.87	0.91	0.96	1.03	1.12	1.26	1.44	1.70	2.04	2.50	50
51	0.70	0.73	0.76	0.80	0.86	0.94	1.05	1.21	1.42	1.71	2.10	51
52	0.57	0.59	0.62	0.65	0.70	0.76	0.85	0.97	1.14	1.38	1.70	52
53	0.43	0.45	0.47	0.49	0.52	0.57	0.64	0.73	0.86	1.04	1.28	53
54	0.29	0.30	0.32	0.33	0.35	0.38	0.43	0.49	0.58	0.70	0.87	54
55	0.15	0.15	0.16	0.17	0.18	0.20	0.22	0.25	0.29	0.36	0.44	55

TABLE B—(cont.)

This section of Table B is applicable only to the case of Officers who will be aged 57 next birthday when they complete their period of contribution.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution.

Age of husband next birthday.	Age of wife next birthday.							Age of husband next birthday.				
	15	20	25	30	35	40	45					
22	5.65	5.96	6.35	6.85	7.47	8.26	9.25	10.57	12.27	14.62	17.94	22
23	5.42	5.71	6.08	6.56	7.16	7.91	8.88	10.14	11.78	14.02	17.13	23
24	5.19	5.47	5.82	6.28	6.85	7.57	8.51	9.72	11.29	13.43	16.35	24
25	4.97	5.24	5.57	6.01	6.55	7.24	8.14	9.30	10.81	12.85	15.59	25
26	4.75	5.01	5.32	5.74	6.26	6.91	7.78	8.89	10.34	12.29	14.86	26
27	4.54	4.78	5.08	5.47	5.97	6.59	7.42	8.49	9.88	11.74	14.15	27
28	4.33	4.56	4.85	5.21	5.69	6.28	7.07	8.10	9.43	11.20	13.45	28
29	4.13	4.35	4.62	4.96	5.41	5.98	6.73	7.71	8.99	10.66	12.77	29
30	3.94	4.14	4.40	4.72	5.14	5.69	6.40	7.33	8.55	10.14	12.11	30
31	3.75	3.94	4.18	4.49	4.88	5.40	6.08	6.97	8.13	9.64	11.48	31

32	3.56	3.74	3.97	4.27	4.63	5.12	5.77	6.61	7.72	9.16	10.88	32
33	3.38	3.55	3.77	4.05	4.39	4.85	5.47	6.26	7.32	8.69	10.30	33
34	3.21	3.37	3.57	3.83	4.15	4.59	5.17	5.92	6.93	8.23	9.75	34
35	3.04	3.19	3.38	3.62	3.92	4.33	4.88	5.60	6.56	7.78	9.22	35
36	2.88	3.02	3.20	3.42	3.70	4.08	4.60	5.29	6.20	7.35	8.71	36
37	2.72	2.85	3.02	3.23	3.49	3.84	4.33	4.99	5.84	6.93	8.22	37
38	2.57	2.69	2.84	3.04	3.28	3.61	4.07	4.69	5.49	6.52	7.75	38
39	2.42	2.53	2.67	2.86	3.08	3.40	3.82	4.40	5.15	6.12	7.30	39
40	2.28	2.37	2.50	2.68	2.89	3.19	3.58	4.11	4.82	5.73	6.87	40
41	2.14	2.22	2.34	2.51	2.70	2.98	3.34	3.83	4.50	5.36	6.44	41
42	2.00	2.07	2.18	2.34	2.52	2.78	3.11	3.56	4.19	5.00	6.02	42
43	1.86	1.92	2.03	2.17	2.34	2.58	2.88	3.30	3.89	4.64	5.60	43
44	1.72	1.78	1.88	2.00	2.16	2.38	2.65	3.04	3.59	4.29	5.19	44
45	1.58	1.64	1.73	1.84	1.98	2.18	2.43	2.79	3.29	3.94	4.79	45
46	1.45	1.50	1.58	1.68	1.81	1.99	2.22	2.55	3.00	3.60	4.39	46
47	1.32	1.36	1.44	1.52	1.64	1.80	2.01	2.31	2.72	3.27	3.99	47
48	1.19	1.23	1.30	1.37	1.47	1.62	1.81	2.08	2.44	2.94	3.59	48
49	1.06	1.10	1.16	1.22	1.31	1.44	1.61	1.85	2.17	2.61	3.19	49
50	0.94	0.97	1.02	1.07	1.15	1.26	1.41	1.62	1.90	2.29	2.80	50
51	0.81	0.84	0.88	0.93	0.99	1.09	1.21	1.39	1.64	1.97	2.42	51
52	0.68	0.71	0.74	0.78	0.83	0.91	1.02	1.16	1.37	1.65	2.03	52
53	0.55	0.57	0.60	0.63	0.67	0.73	0.82	0.94	1.10	1.33	1.64	53
54	0.42	0.44	0.45	0.48	0.51	0.55	0.62	0.71	0.83	1.01	1.25	54
55	0.28	0.29	0.31	0.32	0.34	0.37	0.42	0.48	0.56	0.68	0.84	55
56	0.14	0.15	0.16	0.16	0.18	0.19	0.21	0.24	0.29	0.35	0.43	56

TABLE B—(cont.)

This section of Table B is applicable only to the case of Officers who will be aged 58 next birthday when they complete their period of contribution.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution.

Age of husband next birthday.	Age of wife next birthday.							Age of husband next birthday.				
	15	20	25	30	35	40	45	50	55	60	65	
23	5.45	5.75	6.12	6.60	7.20	7.96	8.92	10.20	11.84	14.10	17.24	23
24	5.22	5.51	5.86	6.32	6.89	7.62	8.56	9.78	11.36	13.52	16.45	24
25	5.00	5.28	5.61	6.05	6.59	7.29	8.20	9.36	10.89	12.94	15.70	25
26	4.79	5.05	5.37	5.79	6.29	6.97	7.84	8.96	10.43	12.38	14.97	26
27	4.58	4.83	5.13	5.53	6.00	6.66	7.49	8.57	9.98	11.82	14.26	27
28	4.38	4.61	4.89	5.27	5.72	6.35	7.14	8.18	9.53	11.28	13.56	28
29	4.18	4.40	4.66	5.02	5.45	6.05	6.80	7.79	9.08	10.76	12.88	29
30	3.98	4.19	4.44	4.77	5.19	5.75	6.46	7.41	8.64	10.24	12.23	30
31	3.79	3.99	4.23	4.53	4.94	5.46	6.14	7.05	8.22	9.74	11.61	31
32	3.61	3.80	4.02	4.30	4.69	5.18	5.83	6.70	7.80	9.26	11.02	32



33	3.43	3.61	3.82	4.08	4.45	4.91	5.33	6.35	7.40	8.80	10.45	33
34	3.26	3.42	3.62	3.87	4.21	4.65	5.23	6.01	7.02	8.34	9.90	34
35	3.09	3.24	3.43	3.67	3.98	4.40	4.95	5.68	6.66	7.90	9.37	35
36	2.93	3.06	3.24	3.47	3.76	4.16	4.68	5.37	6.30	7.48	8.86	36
37	2.77	2.89	3.06	3.28	3.55	3.93	4.42	5.07	5.95	7.06	8.38	37
38	2.62	2.73	2.89	3.09	3.35	3.71	4.16	4.78	5.61	6.66	7.92	38
39	2.47	2.58	2.73	2.91	3.16	3.49	3.91	4.50	5.27	6.26	7.48	39
40	2.33	2.43	2.57	2.74	2.97	3.27	3.67	4.22	4.94	5.88	7.05	40
41	2.19	2.28	2.41	2.57	2.78	3.06	3.43	3.95	4.63	5.50	6.63	41
42	2.05	2.14	2.26	2.40	2.60	2.86	3.20	3.68	4.33	5.14	6.21	42
43	1.91	2.00	2.11	2.24	2.42	2.66	2.97	3.42	4.03	4.78	5.80	43
44	1.78	1.86	1.96	2.08	2.24	2.47	2.75	3.17	3.73	4.44	5.40	44
45	1.65	1.72	1.81	1.92	2.07	2.28	2.54	2.92	3.44	4.12	5.00	45
46	1.52	1.59	1.67	1.77	1.90	2.09	2.33	2.68	3.16	3.80	4.61	46
47	1.39	1.46	1.53	1.62	1.74	1.91	2.13	2.45	2.89	3.48	4.22	47
48	1.27	1.33	1.39	1.47	1.58	1.73	1.93	2.22	2.62	3.16	3.84	48
49	1.15	1.20	1.25	1.32	1.42	1.55	1.74	2.00	2.35	2.84	3.46	49
50	1.03	1.07	1.12	1.18	1.27	1.38	1.55	1.78	2.09	2.52	3.08	50
51	0.91	0.94	0.99	1.04	1.12	1.21	1.36	1.56	1.84	2.21	2.71	51
52	0.79	0.81	0.86	0.90	0.97	1.05	1.17	1.34	1.59	1.90	2.34	52
53	0.67	0.68	0.72	0.76	0.81	0.89	0.98	1.12	1.33	1.60	1.97	53
54	0.54	0.55	0.58	0.61	0.65	0.72	0.79	0.90	1.07	1.29	1.59	54
55	0.41	0.42	0.44	0.46	0.49	0.54	0.60	0.68	0.81	0.98	1.21	55
56	0.28	0.29	0.30	0.31	0.33	0.36	0.40	0.46	0.54	0.66	0.82	56
57	0.14	0.15	0.15	0.16	0.17	0.18	0.21	0.24	0.28	0.34	0.42	57

TABLE B—(cont.)

This section of Table B is applicable only to the case of Officers who will be aged 59 next birthday when they complete their period of contribution.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution.

Age of husband next birthday.	Age of wife next birthday.										Age of husband next birthday.	
	15	20	25	30	35	40	45	50	55	60		65
24	5.25	5.54	5.90	6.36	6.93	7.67	8.60	9.83	11.42	13.59	16.55	24
25	5.03	5.31	5.65	6.09	6.64	7.34	8.25	9.42	10.95	13.02	15.79	25
26	4.82	5.08	5.40	5.82	6.35	7.02	7.90	9.02	10.49	12.46	15.06	26
27	4.61	4.86	5.16	5.56	6.06	6.71	7.55	8.62	10.04	11.91	14.35	27
28	4.41	4.64	4.93	5.30	5.78	6.40	7.20	8.23	9.59	11.37	13.66	28
29	4.21	4.43	4.70	5.05	5.51	6.10	6.86	7.85	9.15	10.84	12.99	29
30	4.02	4.22	4.48	4.81	5.24	5.80	6.52	7.47	8.72	10.33	12.34	30
31	3.83	4.02	4.27	4.58	4.98	5.51	6.20	7.11	8.30	9.84	11.72	31
32	3.65	3.83	4.07	4.36	4.73	5.23	5.90	6.76	7.89	9.36	11.12	32
33	3.47	3.64	3.87	4.14	4.49	4.97	5.60	6.42	7.49	8.90	10.55	33

34	3.30	3.46	3.67	3.93	4.26	4.72	5.31	6.09	7.11	8.45	10.01	34
35	3.13	3.29	3.48	3.73	4.04	4.47	5.03	5.77	6.75	8.01	9.50	35
36	2.97	3.12	3.29	3.53	3.83	4.23	4.76	5.46	6.40	7.59	9.01	36
37	2.82	2.96	3.11	3.34	3.62	4.00	4.50	5.16	6.05	7.18	8.54	37
38	2.67	2.80	2.94	3.16	3.42	3.77	4.24	4.87	5.71	6.78	8.08	38
39	2.53	2.64	2.78	2.98	3.22	3.55	3.99	4.59	5.38	6.39	7.64	39
40	2.39	2.49	2.62	2.80	3.03	3.34	3.75	4.31	5.05	6.01	7.21	40
41	2.25	2.34	2.47	2.63	2.84	3.14	3.52	4.04	4.74	5.64	6.79	41
42	2.11	2.20	2.32	2.46	2.66	2.94	3.30	3.78	4.44	5.29	6.38	42
43	1.98	2.06	2.17	2.30	2.49	2.74	3.08	3.53	4.15	4.95	5.98	43
44	1.85	1.92	2.02	2.15	2.32	2.55	2.86	3.28	3.86	4.62	5.59	44
45	1.72	1.79	1.88	2.00	2.16	2.37	2.65	3.04	3.58	4.29	5.21	45
46	1.59	1.66	1.74	1.85	2.00	2.19	2.45	2.80	3.30	3.97	4.83	46
47	1.47	1.53	1.60	1.70	1.84	2.01	2.25	2.57	3.03	3.65	4.45	47
48	1.35	1.40	1.47	1.55	1.68	1.83	2.06	2.35	2.77	3.33	4.07	48
49	1.23	1.28	1.34	1.41	1.52	1.66	1.87	2.13	2.51	3.02	3.70	49
50	1.11	1.16	1.21	1.27	1.37	1.49	1.68	1.92	2.26	2.72	3.33	50
51	0.99	1.04	1.08	1.14	1.22	1.32	1.49	1.71	2.01	2.42	2.97	51
52	0.87	0.92	0.95	1.01	1.08	1.16	1.30	1.50	1.77	2.12	2.61	52
53	0.75	0.80	0.82	0.87	0.93	1.00	1.12	1.29	1.53	1.82	2.26	53
54	0.63	0.67	0.69	0.73	0.78	0.84	0.94	1.08	1.28	1.53	1.90	54
55	0.52	0.54	0.56	0.59	0.63	0.68	0.76	0.87	1.03	1.24	1.54	55
56	0.39	0.41	0.43	0.45	0.48	0.52	0.58	0.66	0.78	0.95	1.18	56
57	0.27	0.28	0.29	0.30	0.32	0.35	0.39	0.45	0.53	0.64	0.80	57
58	0.14	0.14	0.15	0.16	0.17	0.18	0.20	0.23	0.27	0.33	0.41	58

TABLE B (cont.)

This section of Table B is applicable only to the case of Officers who will be aged 60 next birthday when they complete their period of contribution.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution.

Age of husband next birthday.		Age of wife next birthday.							Age of husband next birthday.			
15	20	25	30	35	40	45	50	55	60	65		
25	5.06	5.34	5.68	6.12	6.67	7.38	8.29	9.47	11.01	13.09	15.88	25
26	4.84	5.11	5.44	5.85	6.38	7.06	7.92	9.06	10.53	12.52	15.15	26
27	4.63	4.89	5.20	5.59	6.09	6.75	7.56	8.65	10.08	11.97	14.44	27
28	4.43	4.67	4.97	5.34	5.81	6.44	7.22	8.26	9.64	11.43	13.75	28
29	4.24	4.46	4.74	5.09	5.54	6.14	6.89	7.89	9.21	10.91	13.09	29
30	4.05	4.26	4.52	4.85	5.28	5.85	6.57	7.53	8.79	10.41	12.45	30
31	3.86	4.06	4.30	4.62	5.03	5.57	6.26	7.18	8.38	9.93	11.83	31
32	3.68	3.87	4.09	4.40	4.78	5.30	5.96	6.83	7.98	9.46	11.24	32
33	3.51	3.68	3.89	4.18	4.54	5.03	5.66	6.49	7.59	9.00	10.67	33
34	3.34	3.50	3.70	3.97	4.31	4.77	5.37	6.16	7.21	8.55	10.13	34

35	3.17	3.33	3.52	3.77	4.09	4.52	5.09	5.84	6.84	8.11	9.62	35
36	3.01	3.16	3.34	3.57	3.88	4.28	4.82	5.53	6.49	7.69	9.13	36
37	2.86	3.00	3.17	3.38	3.68	4.05	4.56	5.23	6.14	7.28	8.66	37
38	2.71	2.84	3.00	3.20	3.48	3.83	4.31	4.94	5.80	6.88	8.21	38
39	2.57	2.69	2.84	3.03	3.29	3.62	4.07	4.67	5.47	6.50	7.77	39
40	2.43	2.54	2.68	2.86	3.10	3.41	3.83	4.40	5.15	6.13	7.35	40
41	2.29	2.39	2.53	2.69	2.92	3.21	3.60	4.14	4.84	5.78	6.94	41
42	2.16	2.25	2.38	2.53	2.74	3.01	3.38	3.88	4.54	5.44	6.54	42
43	2.03	2.11	2.23	2.37	2.57	2.82	3.16	3.63	4.25	5.10	6.15	43
44	1.90	1.98	2.09	2.22	2.40	2.63	2.95	3.39	3.97	4.77	5.77	44
45	1.78	1.85	1.95	2.07	2.23	2.45	2.74	3.15	3.70	4.44	5.39	45
46	1.66	1.72	1.81	1.92	2.07	2.27	2.54	2.92	3.44	4.12	5.02	46
47	1.54	1.59	1.68	1.78	1.91	2.10	2.35	2.69	3.18	3.81	4.65	47
48	1.42	1.47	1.55	1.64	1.76	1.93	2.16	2.47	2.92	3.50	4.28	48
49	1.30	1.35	1.42	1.50	1.61	1.76	1.97	2.26	2.67	3.20	3.92	49
50	1.19	1.23	1.29	1.36	1.46	1.60	1.79	2.05	2.42	2.91	3.56	50
51	1.07	1.11	1.16	1.22	1.31	1.44	1.61	1.84	2.17	2.62	3.21	51
52	0.95	0.99	1.03	1.09	1.17	1.28	1.43	1.64	1.93	2.33	2.86	52
53	0.84	0.87	0.91	0.96	1.03	1.12	1.25	1.44	1.69	2.05	2.52	53
54	0.73	0.75	0.79	0.83	0.89	0.97	1.08	1.24	1.46	1.77	2.18	54
55	0.62	0.64	0.67	0.70	0.75	0.82	0.91	1.04	1.23	1.49	1.85	55
56	0.50	0.52	0.54	0.57	0.61	0.66	0.74	0.84	0.99	1.21	1.50	56
57	0.39	0.40	0.42	0.44	0.46	0.50	0.56	0.61	0.76	0.92	1.15	57
58	0.26	0.27	0.28	0.30	0.31	0.34	0.38	0.43	0.51	0.62	0.78	58
59	0.13	0.14	0.14	0.15	0.16	0.17	0.19	0.22	0.26	0.32	0.40	59

TABLE B—(cont.)

This section of Table B is applicable only to the case of Officers who will be aged 61 next birthday when they complete their period of contribution.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of £1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution.

Age of husband next birthday.	Age of wife next birthday.										Age of husband next birthday.
	15	20	25	30	35	40	45	50	55	60	65
26	4.88	5.15	5.47	5.89	6.41	7.10	7.98	9.12	10.61	12.60	15.23
27	4.67	4.92	5.22	5.62	6.12	6.78	7.61	8.72	10.14	12.04	14.52
28	4.47	4.70	4.99	5.37	5.85	6.48	7.27	8.34	9.69	11.51	13.84
29	4.27	4.49	4.77	5.13	5.58	6.18	6.94	7.96	9.26	10.99	13.18
30	4.08	4.29	4.55	4.89	5.32	5.89	6.62	7.59	8.85	10.49	12.54
31	3.89	4.09	4.34	4.66	5.07	5.60	6.31	7.22	8.45	10.00	11.92
32	3.71	3.90	4.13	4.44	4.83	5.32	6.01	6.87	8.06	9.53	11.33
33	3.54	3.72	3.93	4.23	4.59	5.06	5.72	6.54	7.67	9.07	10.77
34	3.37	3.54	3.74	4.02	4.36	4.81	5.43	6.22	7.29	8.63	10.24
35	3.21	3.37	3.56	3.82	4.14	4.57	5.15	5.91	6.92	8.20	9.73

36	3.06	3.20	3.39	3.63	3.93	4.34	4.88	5.61	6.56	7.78	9.25	36
37	2.91	3.04	3.22	3.44	3.73	4.11	4.62	5.32	6.21	7.38	8.79	37
38	2.76	2.88	3.05	3.26	3.53	3.89	4.37	5.03	5.88	6.99	8.34	38
39	2.62	2.73	2.89	3.08	3.34	3.68	4.13	4.75	5.56	6.61	7.91	39
40	2.48	2.58	2.73	2.91	3.15	3.47	3.90	4.48	5.25	6.24	7.49	40
41	2.34	2.44	2.58	2.75	2.97	3.27	3.67	4.22	4.95	5.88	7.08	41
42	2.21	2.30	2.43	2.59	2.80	3.07	3.45	3.96	4.65	5.53	6.69	42
43	2.08	2.17	2.28	2.43	2.63	2.88	3.23	3.71	4.36	5.20	6.30	43
44	1.95	2.04	2.14	2.28	2.46	2.70	3.02	3.47	4.08	4.88	5.92	44
45	1.83	1.91	2.00	2.13	2.30	2.52	2.82	3.24	3.81	4.57	5.55	45
46	1.71	1.79	1.86	1.98	2.14	2.35	2.63	3.01	3.55	4.26	5.18	46
47	1.59	1.67	1.73	1.84	1.99	2.18	2.44	2.79	3.30	3.96	4.82	47
48	1.48	1.55	1.60	1.70	1.84	2.01	2.26	2.58	3.05	3.66	4.46	48
49	1.37	1.43	1.48	1.57	1.69	1.85	2.08	2.37	2.80	3.36	4.11	49
50	1.26	1.31	1.36	1.44	1.55	1.69	1.90	2.17	2.56	3.07	3.76	50
51	1.15	1.19	1.24	1.32	1.41	1.53	1.73	1.97	2.32	2.79	3.42	51
52	1.04	1.07	1.12	1.20	1.27	1.38	1.56	1.77	2.09	2.51	3.09	52
53	0.93	0.96	1.00	1.07	1.13	1.23	1.39	1.58	1.86	2.24	2.76	53
54	0.82	0.85	0.88	0.94	1.00	1.08	1.22	1.39	1.63	1.97	2.44	54
55	0.71	0.74	0.77	0.81	0.86	0.94	1.05	1.20	1.41	1.71	2.13	55
56	0.60	0.62	0.65	0.68	0.73	0.79	0.88	1.01	1.19	1.44	1.80	56
57	0.49	0.51	0.53	0.55	0.59	0.64	0.71	0.82	0.96	1.17	1.46	57
58	0.37	0.39	0.40	0.42	0.45	0.49	0.54	0.62	0.73	0.90	1.12	58
59	0.25	0.26	0.28	0.29	0.31	0.33	0.37	0.42	0.50	0.61	0.76	59
60	0.13	0.13	0.14	0.15	0.16	0.17	0.19	0.21	0.25	0.31	0.39	60

TABLE B—(cont.)

This section of Table B is applicable only to the case of Officers who will be aged 62 next birthday when they complete their period of contribution.

The Yearly Pension, payable by Monthly Installments, which a Yearly Contribution of 1, payable also by Monthly Installments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution.

Age of husband next birthday.	Age of wife next birthday.										Age of husband next birthday.	
	15	20	25	30	35	40	45	50	55	60		65
27	4.70	4.96	5.26	5.66	6.16	6.83	7.68	8.77	10.22	12.12	14.60	27
28	4.50	4.74	5.02	5.40	5.88	6.52	7.33	8.37	9.77	11.59	13.92	28
29	4.30	4.53	4.79	5.15	5.61	6.22	7.00	8.00	9.34	11.07	13.27	29
30	4.11	4.32	4.58	4.92	5.36	5.93	6.67	7.64	8.92	10.57	12.63	30
31	3.91	4.12	4.37	4.69	5.11	5.64	6.35	7.29	8.51	10.07	12.01	31
32	3.73	3.93	4.17	4.47	4.87	5.37	6.04	6.95	8.11	9.60	11.42	32
33	3.56	3.75	3.97	4.26	4.63	5.11	5.75	6.61	7.72	9.14	10.86	33
34	3.40	3.57	3.78	4.05	4.40	4.86	5.47	6.28	7.34	8.70	10.33	34
35	3.24	3.40	3.60	3.85	4.18	4.62	5.20	5.96	6.98	8.28	9.83	35
36	3.09	3.23	3.43	3.66	3.97	4.39	4.94	5.65	6.63	7.87	9.36	36





TABLE B—(cont.)

This section of Table B is applicable only to the case of Officers who will be aged 63 next birthday when they complete their period of contribution.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution.

Age of husband next birthday.	Age of wife next birthday.										Age of husband next birthday.
	15	20	25	30	35	40	45	50	55	60	65
28	4.52	4.77	5.06	5.44	5.92	6.56	7.38	8.43	9.83	11.65	13.99
29	4.32	4.56	4.83	5.19	5.65	6.26	7.04	8.05	9.40	11.13	13.33
30	4.13	4.35	4.61	4.95	5.39	5.97	6.71	7.69	8.97	10.63	12.70
31	3.93	4.14	4.40	4.71	5.13	5.68	6.39	7.34	8.55	10.15	12.09
32	3.75	3.94	4.20	4.49	4.88	5.41	6.09	7.00	8.16	9.68	11.51
33	3.58	3.76	4.00	4.28	4.65	5.15	5.80	6.67	7.78	9.23	10.95
34	3.42	3.59	3.81	4.08	4.43	4.90	5.52	6.34	7.41	8.79	10.42
35	3.27	3.43	3.63	3.89	4.22	4.66	5.25	6.02	7.05	8.36	9.92
36	3.12	3.27	3.45	3.70	4.01	4.43	4.99	5.71	6.70	7.94	9.45
37	2.97	3.11	3.28	3.52	3.80	4.21	4.74	5.42	6.36	7.54	8.99

38	2.83	2.96	3.12	3.34	3.61	3.99	4.49	5.14	6.03	7.15	8.55
39	2.69	2.81	2.96	3.17	3.43	3.78	4.25	4.87	5.71	6.78	8.12
40	2.55	2.66	2.81	3.00	3.25	3.58	4.02	4.61	5.40	6.43	7.71
41	2.42	2.52	2.66	2.84	3.08	3.39	3.79	4.36	5.10	6.09	7.32
42	2.29	2.39	2.52	2.68	2.91	3.20	3.57	4.11	4.81	5.76	6.94
43	2.17	2.26	2.38	2.53	2.74	3.01	3.36	3.87	4.53	5.43	6.56
44	2.05	2.13	2.24	2.38	2.58	2.83	3.16	3.63	4.26	5.11	6.19
45	1.93	2.00	2.11	2.24	2.42	2.65	2.96	3.40	4.00	4.80	5.83
46	1.82	1.88	1.98	2.10	2.27	2.48	2.77	3.18	3.75	4.50	5.47
47	1.71	1.76	1.85	1.97	2.12	2.31	2.59	2.97	3.50	4.21	5.12
48	1.60	1.65	1.73	1.84	1.98	2.15	2.41	2.77	3.26	3.92	4.78
49	1.49	1.54	1.61	1.71	1.84	2.00	2.24	2.57	3.03	3.64	4.45
50	1.38	1.43	1.49	1.58	1.70	1.85	2.08	2.38	2.80	3.37	4.12
51	1.27	1.32	1.38	1.46	1.57	1.71	1.92	2.19	2.58	3.10	3.80
52	1.17	1.21	1.27	1.34	1.44	1.57	1.76	2.01	2.36	2.84	3.49
53	1.07	1.10	1.16	1.22	1.31	1.43	1.60	1.83	2.15	2.58	3.19
54	0.97	1.00	1.05	1.10	1.18	1.29	1.44	1.65	1.94	2.33	2.89
55	0.87	0.90	0.94	0.99	1.05	1.15	1.28	1.47	1.73	2.09	2.60
56	0.77	0.80	0.84	0.88	0.93	1.01	1.13	1.29	1.52	1.85	2.30
57	0.67	0.69	0.73	0.76	0.81	0.88	0.98	1.12	1.32	1.61	2.00
58	0.57	0.59	0.61	0.64	0.68	0.74	0.82	0.94	1.11	1.36	1.69
59	0.46	0.48	0.50	0.52	0.55	0.60	0.67	0.76	0.90	1.11	1.38
60	0.35	0.37	0.38	0.40	0.43	0.46	0.51	0.58	0.69	0.85	1.06
61	0.24	0.25	0.26	0.27	0.29	0.31	0.35	0.40	0.47	0.58	0.72
62	0.12	0.13	0.13	0.14	0.15	0.16	0.18	0.20	0.24	0.30	0.37

TABLE B—(cont.)

This section of Table B is applicable only to the case of Officers who will be aged 64 next birthday when they complete their period of contribution.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution.

Age of husband next birthday.	Age of wife next birthday.										Age of husband next birthday.	
	15	20	25	30	35	40	45	50	55	60		65
29	4.34	4.58	4.86	5.22	5.68	6.29	7.08	8.10	9.44	11.19	13.40	29
30	4.16	4.37	4.64	4.98	5.42	6.00	6.74	7.73	9.02	10.69	12.77	30
31	3.97	4.17	4.43	4.74	5.17	5.72	6.43	7.37	8.60	10.20	12.15	31
32	3.79	3.98	4.23	4.52	4.93	5.45	6.13	7.03	8.21	9.73	11.56	32
33	3.62	3.80	4.03	4.31	4.70	5.19	5.84	6.70	7.83	9.28	11.00	33
34	3.45	3.63	3.84	4.11	4.47	4.94	5.56	6.38	7.46	8.85	10.48	34
35	3.29	3.46	3.66	3.92	4.25	4.70	5.29	6.07	7.10	8.43	9.99	35
36	3.14	3.29	3.48	3.74	4.04	4.47	5.03	5.77	6.75	8.02	9.53	36
37	2.99	3.13	3.31	3.56	3.84	4.25	4.78	5.48	6.41	7.62	9.08	37
38	2.85	2.98	3.15	3.38	3.65	4.03	4.54	5.20	6.08	7.24	8.64	38

39	2.71	2.83	2.99	3.21	3.47	3.82	4.30	4.93	5.77	6.87	8.22	39
40	2.58	2.69	2.84	3.04	3.29	3.62	4.07	4.67	5.47	6.51	7.81	40
41	2.45	2.55	2.70	2.87	3.12	3.43	3.84	4.42	5.18	6.17	7.42	41
42	2.33	2.42	2.56	2.71	2.95	3.24	3.62	4.17	4.90	5.84	7.04	42
43	2.21	2.29	2.42	2.56	2.79	3.06	3.41	3.93	4.62	5.52	6.67	43
44	2.09	2.16	2.28	2.42	2.63	2.88	3.21	3.70	4.35	5.21	6.31	44
45	1.97	2.04	2.15	2.28	2.47	2.71	3.02	3.48	4.09	4.91	5.95	45
46	1.86	1.92	2.02	2.15	2.32	2.54	2.84	3.26	3.84	4.61	5.60	46
47	1.75	1.81	1.90	2.02	2.17	2.38	2.66	3.05	3.59	4.32	5.25	47
48	1.64	1.70	1.78	1.89	2.03	2.22	2.49	2.85	3.35	4.04	4.91	48
49	1.53	1.59	1.66	1.76	1.89	2.07	2.32	2.66	3.12	3.76	4.58	49
50	1.43	1.48	1.55	1.64	1.76	1.92	2.15	2.47	2.90	3.49	4.27	50
51	1.33	1.37	1.44	1.52	1.63	1.78	1.99	2.29	2.69	3.23	3.97	51
52	1.23	1.27	1.33	1.40	1.50	1.64	1.83	2.11	2.48	2.98	3.67	52
53	1.13	1.17	1.22	1.28	1.38	1.50	1.68	1.93	2.27	2.73	3.38	53
54	1.03	1.07	1.11	1.17	1.26	1.37	1.53	1.75	2.06	2.49	3.09	54
55	0.94	0.97	1.01	1.06	1.14	1.24	1.38	1.58	1.86	2.25	2.80	55
56	0.84	0.86	0.90	0.95	1.02	1.10	1.23	1.41	1.66	2.01	2.51	56
57	0.74	0.76	0.79	0.84	0.90	0.97	1.08	1.24	1.46	1.77	2.22	57
58	0.64	0.66	0.68	0.73	0.78	0.84	0.93	1.07	1.26	1.54	1.93	58
59	0.54	0.56	0.58	0.62	0.66	0.71	0.79	0.90	1.07	1.31	1.64	59
60	0.45	0.46	0.48	0.51	0.54	0.58	0.65	0.74	0.88	1.08	1.35	60
61	0.34	0.36	0.37	0.39	0.41	0.44	0.49	0.57	0.67	0.82	1.03	61
62	0.23	0.24	0.25	0.27	0.28	0.30	0.33	0.38	0.46	0.56	0.71	62
63	0.12	0.12	0.13	0.14	0.14	0.16	0.17	0.20	0.24	0.29	0.37	63

TABLE B—(cont.)

This section of Table B is applicable only to the ease of Officers who will be aged 65 next birthday when they complete their period of contribution.

The Yearly Pension, payable by Monthly Instalments, which a Yearly Contribution of 1, payable also by Monthly Instalments, will secure. The Yearly Contribution is to cease on the termination of 35 years from the date of the Officer's first Contribution, or on his attaining the age of 65.

Age of husband next birthday.	Age of wife next birthday.										Age of husband next birthday.
	15	20	25	30	35	40	45	50	55	60	65
30	4.17	4.39	4.66	5.00	5.44	6.03	6.78	7.77	9.06	10.74	12.83
31	4.00	4.20	4.46	4.78	5.20	5.77	6.47	7.43	8.67	10.29	12.24
32	3.83	4.01	4.26	4.56	4.96	5.51	6.17	7.10	8.29	9.84	11.67
33	3.66	3.83	4.07	4.35	4.73	5.25	5.88	6.77	7.91	9.39	11.12
34	3.49	3.65	3.88	4.15	4.50	4.99	5.60	6.44	7.53	8.94	10.59
35	3.32	3.48	3.69	3.95	4.28	4.73	5.33	6.11	7.16	8.49	10.07
36	3.16	3.31	3.51	3.76	4.07	4.48	5.07	5.79	6.80	8.07	9.58
37	3.01	3.15	3.34	3.58	3.87	4.25	4.82	5.49	6.46	7.68	9.12
38	2.87	3.00	3.18	3.41	3.68	4.04	4.58	5.21	6.14	7.30	8.69
39	2.74	2.86	3.02	3.24	3.50	3.85	4.34	4.96	5.83	6.93	8.28

40	2.61	2.72	2.87	3.07	3.32	3.66	4.11	4.72	5.53	6.58	7.89	40
41	2.48	2.58	2.73	2.91	3.15	3.47	3.89	4.48	5.24	6.24	7.51	41
42	2.36	2.45	2.59	2.76	2.98	3.29	3.68	4.24	4.96	5.92	7.14	42
43	2.24	2.32	2.45	2.61	2.82	3.11	3.47	4.00	4.69	5.60	6.77	43
44	2.12	2.20	2.32	2.47	2.66	2.93	3.27	3.77	4.42	5.29	6.41	44
45	2.00	2.08	2.19	2.33	2.51	2.76	3.08	3.54	4.16	4.99	6.06	45
46	1.89	1.97	2.07	2.20	2.36	2.59	2.89	3.32	3.91	4.69	5.72	46
47	1.78	1.86	1.95	2.07	2.22	2.43	2.71	3.11	3.67	4.40	5.38	47
48	1.67	1.75	1.83	1.94	2.08	2.27	2.54	2.91	3.44	4.12	5.05	48
49	1.57	1.64	1.71	1.81	1.94	2.12	2.38	2.73	3.22	3.86	4.73	49
50	1.47	1.53	1.60	1.69	1.81	1.98	2.22	2.55	3.00	3.60	4.41	50
51	1.37	1.43	1.49	1.57	1.68	1.84	2.06	2.37	2.79	3.35	4.10	51
52	1.27	1.33	1.38	1.46	1.56	1.71	1.91	2.19	2.58	3.11	3.81	52
53	1.17	1.23	1.28	1.35	1.44	1.58	1.76	2.02	2.38	2.87	3.53	53
54	1.08	1.13	1.18	1.24	1.32	1.45	1.61	1.85	2.18	2.63	3.25	54
55	0.99	1.03	1.08	1.13	1.21	1.32	1.47	1.68	1.98	2.40	2.98	55
56	0.90	0.93	0.98	1.02	1.10	1.20	1.33	1.52	1.79	2.17	2.71	56
57	0.81	0.83	0.88	0.91	0.99	1.08	1.19	1.36	1.60	1.94	2.44	57
58	0.72	0.73	0.78	0.80	0.88	0.95	1.05	1.20	1.42	1.72	2.16	58
59	0.63	0.64	0.68	0.70	0.76	0.82	0.91	1.04	1.23	1.50	1.88	59
60	0.53	0.55	0.57	0.60	0.64	0.69	0.77	0.88	1.04	1.28	1.60	60
61	0.43	0.45	0.47	0.49	0.52	0.56	0.62	0.72	0.85	1.04	1.31	61
62	0.33	0.34	0.36	0.38	0.40	0.43	0.48	0.55	0.65	0.80	1.01	62
63	0.23	0.24	0.25	0.26	0.27	0.30	0.32	0.37	0.44	0.55	0.69	63
64	0.12	0.12	0.13	0.13	0.14	0.15	0.17	0.19	0.23	0.28	0.36	64

TABLE C.

The Single Contribution which will secure a Yearly Pension of 1, payable by Monthly Instalments.

Age of husband next birthday.	Age of wife next birthday.										Age of husband next birthday.
	15	20	25	30	35	40	45	50	55	60	65
15	1.920	1.816	1.702	1.580	1.451	1.318	1.178	1.028	.878	.733	.600
16	1.971	1.865	1.748	1.623	1.490	1.352	1.207	1.055	.903	.755	.615
17	2.026	1.919	1.797	1.668	1.531	1.388	1.238	1.084	.929	.778	.631
18	2.085	1.975	1.849	1.716	1.575	1.427	1.272	1.115	.956	.802	.649
19	2.147	2.034	1.905	1.768	1.621	1.468	1.308	1.147	.985	.826	.670
20	2.212	2.095	1.964	1.822	1.670	1.511	1.347	1.181	1.015	.852	.693
21	2.280	2.159	2.025	1.879	1.723	1.557	1.388	1.217	1.046	.879	.717
22	2.352	2.226	2.089	1.939	1.778	1.606	1.431	1.255	1.079	.907	.741
23	2.427	2.297	2.157	2.002	1.836	1.658	1.477	1.295	1.114	.936	.767
24	2.505	2.372	2.228	2.068	1.898	1.714	1.525	1.337	1.150	.967	.794
25	2.585	2.451	2.302	2.138	1.962	1.773	1.577	1.381	1.187	.999	.824
26	2.668	2.533	2.379	2.211	2.029	1.834	1.631	1.427	1.226	1.033	.855
27	2.755	2.618	2.459	2.287	2.099	1.897	1.687	1.475	1.267	1.068	.887



28	2-846	2-706	2-543	2-366	2-173	1-964	1-746	1-525	1-310	1-104	·920	28
29	2-942	2-797	2-631	2-449	2-250	2-033	1-808	1-578	1-354	1-142	·954	29
30	3-043	2-892	2-722	2-535	2-330	2-106	1-872	1-633	1-400	1-182	·989	30
31	3-146	2-991	2-816	2-624	2-413	2-183	1-940	1-691	1-448	1-223	1-026	31
32	3-251	3-093	2-913	2-717	2-499	2-262	2-010	1-752	1-498	1-265	1-064	32
33	3-358	3-199	3-013	2-812	2-588	2-343	2-082	1-814	1-550	1-309	1-102	33
34	3-468	3-307	3-117	2-910	2-680	2-426	2-157	1-878	1-604	1-354	1-141	34
35	3-580	3-418	3-224	3-010	2-774	2-511	2-234	1-944	1-661	1-401	1-180	35
36	3-695	3-532	3-334	3-113	2-870	2-598	2-313	2-012	1-720	1-450	1-219	36
37	3-814	3-649	3-448	3-220	2-968	2-688	2-394	2-083	1-781	1-501	1-259	37
38	3-936	3-769	3-565	3-330	3-070	2-781	2-478	2-157	1-844	1-553	1-300	38
39	4-062	3-893	3-685	3-444	3-175	2-879	2-566	2-234	1-909	1-606	1-342	39
40	4-190	4-019	3-808	3-562	3-285	2-982	2-659	2-315	1-976	1-660	1-385	40
41	4-320	4-148	3-934	3-684	3-399	3-089	2-757	2-399	2-045	1-715	1-428	41
42	4-453	4-280	4-063	3-808	3-517	3-199	2-857	2-485	2-116	1-772	1-472	42
43	4-590	4-415	4-195	3-936	3-639	3-313	2-960	2-574	2-190	1-831	1-517	43
44	4-730	4-552	4-330	4-067	3-765	3-430	3-065	2-665	2-267	1-892	1-564	44
45	4-875	4-693	4-468	4-202	3-896	3-550	3-172	2-759	2-346	1-956	1-614	45
46	5-024	4-838	4-610	4-340	4-031	3-673	3-281	2-855	2-428	2-024	1-667	46
47	5-175	4-984	4-754	4-480	4-168	3-798	3-392	2-953	2-512	2-093	1-721	47
48	5-329	5-132	4-900	4-623	4-308	3-927	3-507	3-054	2-599	2-164	1-776	48
49	5-485	5-284	5-048	4-771	4-450	4-058	3-626	3-158	2-688	2-236	1-831	49
50	5-643	5-438	5-199	4-922	4-594	4-194	3-749	3-267	2-779	2-311	1-887	50

TABLE C.—(cont.)

The Single Contribution which will secure a Yearly Pension of 1, payable by Monthly Instalments.

Age of husband next birthday.	Age of wife next birthday.										Age of husband next birthday.
	15	20	25	30	35	40	45	50	55	60	65
51	5.805	5.593	5.352	5.075	4.740	4.333	3.876	3.381	2.873	2.389	1.943
52	5.969	5.750	5.507	5.230	4.888	4.473	4.005	3.496	2.969	2.466	1.999
53	6.135	5.910	5.663	5.386	5.038	4.615	4.136	3.611	3.066	2.543	2.056
54	6.303	6.072	5.821	5.544	5.190	4.759	4.269	3.727	3.164	2.619	2.113
55	6.474	6.236	5.982	5.704	5.344	4.905	4.404	3.844	3.264	2.694	2.170
56	6.647	6.403	6.145	5.862	5.498	5.052	4.541	3.961	3.363	2.768	2.228
57	6.821	6.572	6.309	6.019	5.652	5.201	4.680	4.079	3.460	2.841	2.284
58	6.997	6.743	6.474	6.176	5.807	5.351	4.820	4.199	3.556	2.914	2.339
59	7.175	6.915	6.641	6.333	5.961	5.501	4.962	4.320	3.650	2.987	2.393
60	7.355	7.089	6.809	6.491	6.115	5.652	5.105	4.442	3.743	3.060	2.446
61	7.536	7.265	6.978	6.651	6.268	5.803	5.249	4.566	3.837	3.135	2.498
62	7.718	7.442	7.148	6.821	6.421	5.955	5.395	4.693	3.936	3.211	2.548
63	7.901	7.621	7.319	6.973	6.574	6.107	5.543	4.823	4.041	3.288	2.597
64	8.086	7.801	7.490	7.135	6.727	6.259	5.693	4.955	4.151	3.365	2.644



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